

# The Politics of Decentralization in Ghana: Impacts on Natural Resource Management, Sustainability and Gender Relations

Inaugural dissertation  
of the Faculty of Science,  
University of Bern

Presented by

James Natia Adam  
from Ghana

Supervisor of the doctoral thesis:

Prof. Dr. Jean-David Gerber  
Institute of Geography  
University of Bern

and

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Institute of Social Anthropology  
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Dedication

Mr. and Mrs. Anthony Akolgo Azabuno (deceased)

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## List of Abbreviations

ASM	Artisanal and Small-Scale Gold Mining
CBNRM	Community Based Natural Resource Management
CBOs	Community-Based Organizations
CLS	Customary Land Secretariat
CLS	Customary Land Secretariat
CPRs	Common Pool Resources
CRAFT	Code of Risk Mitigation for Artisanal and Small-Scale Miners Engaging in Formal Trade
EPA	Environmental Protection Agency
FGD	Focus Group Discussion
GH	Ghana
GSA	Geological Survey Authority
LC	Lands Commission
MC	Minerals Commission
MDA	Millennium Development Authority
MGPJ	Movement of <i>Gbani</i> People for Justice
MLNR	Ministry of Lands and Natural Resource
MMDAs	Metropolitan, Municipal, District Assemblies
NRCDC	National Redemption Council Decree
NRM	Natural Resource Management
PMMC	Precious Minerals Marketing Corporation
PNDCL	Provisional National Defence Council Law
RLG	Regional Lands Commission

SAP	Structural Adjustment Program
SMCL	Shaanxi Mining (GH) Company Limited
SMD	Survey and Mapping Division
TCPD	Town and Country Planning Department

## Summary

Decentralization has become a key component of contemporary development policy and practice. Its basic notion is simply the withdrawal of the state. As such, several programmes and projects are working on transforming these thoughts into solid practices. Nevertheless, translating theory into everyday practice poses a huge challenge. Drawing on ethnographic research in northern Ghana, I seek to question the mainstream views on decentralization that local level institutions can be intentionally fashioned to enroll the participation of marginalized and vulnerable groups, including women and people with reduced mobility in decision-making concerning natural resource management. The study uses institutional economics to complement social science discourse to analyze the impact of decentralization on NRM, sustainability and gender relation. I ask: How do decentralization reforms modify the balance of power between public administration in charge of land administration, customary authorities, and resource end-users? How is it to be explained that, paradoxically, the decentralization of the formalization of rights in artisanal and small-scale mining (ASM) has promoted informal ASM leading to a negative impact on social, economic, and environmental sustainability? How do intersectional gendered power relations in mining communities of Ghana impact on women's access to power and ability to transform patriarchal social structures? I used focus group discussions, expert interviews, semi-structured household interviews, participant observation and transect walk. This enabled for the collection of in-depth insights of rich data for further interpretation and analysis. I demonstrate in this dissertation that decentralization—presented by governments and many scholars—as merely organizational and technical, hides its political and ideological dimensions. Although, decentralization reforms are unlikely to unleash passions, I demonstrate that decentralization initiatives aimed at empowering local actors and improve democratic decision-making lead to the emergence of diverse and often unexpected dynamics that are quite different from the

original policy intentions. These ground realities highlight that decentralization provides both opportunities and constraints leading to the emergence of few winners and many losers. The huge challenge for decentralization, therefore, is to circumnavigate the thin line between the creation of inclusive room for local citizens' participation in decision-making, and the risk of fueling social exclusion and further marginalization by the very intention of re-distributing power.

## Chapter One

### General Introduction

#### 1.1. Introduction

This thesis focuses on the power games connecting decision-making in decentralized natural resource management, sustainability, and gender relations in Ghana. It argues that despite successive waves of decentralization, formal institutions including, law, rules and regulations have become sterner and local citizens' access and use rights have become more circumscribed by the central government's ability to relax policies of decentralization to retain crucial power. This intends present a condition that is characterized more by non-enforcement of the rules than by infliction of severe sanctions against people who circumvent policies of exclusion from access to natural resources. The non-enforcement of strict regulations does not only signal that people's access is tolerated, but it also combines with economic and political rent seeking by local public authorities.

In Ghana, natural resources constitute an important component of community assets and underpin the livelihoods of millions of poor people especially those living in the under privileged rural communities with few or limited alternative economic opportunities. Natural resources are often referred and categorized in the domain of common-pool resources. Common-pool resources refer to resources made available to all by consumption and to which access can be restricted only at high cost. Examples of common-pool resources include fisheries, underwater basins, pasture, forests, irrigation systems, etc. Common-pool resources are non-excludable, which means that individuals or people cannot be denied access and use, even if they are not paying for them. However, common-pool resources are rivalrous, implying that their usage makes it more difficult for others to subsequently use them. Overuse of common-pool resources occurs because of rivalry (subtractability). To ensure that common-

pool resources maintain their non-excludability and to prevent the tendency toward overuse, institutions are crafted including establishing the boundaries of the resource, reaching agreement amongst all users of the resource both planned and expected, monitoring of the resources, ensuring that penalties exist to sanction recalcitrant resource users and creating forum or plan of action for solving conflicts if or when conflicts over use, access and control emerge.

(Renewable) natural resources are critical flow resources and a decline in the flow resources below a critical minimum may have irreversible consequences. Several factors combine to make natural resources difficult to govern and manage sustainably. For instance, many large-scale natural resources can be Common Property Resources (CPRs)<sup>1</sup> and may pose diverse and difficult challenges than those posed by either private or public goods. Common Property Resources are natural resources owned and managed collectively by a community or society rather than by individuals. Common Property Resources enable access to members of a community to critical resources. Examples of common property include passages, walls, pathways, gardens, stairs, lifts, foyers and fences, driveways, shared facilities situated within areas identified and managed as common property. However, this is not the case anymore when land becomes privatized as processes of accumulation by dispossession (Harvey, 2005) lead to the individualization of land rights leading to the exclusion of many former users (Gerber & Haller, 2020). The use of natural resources can produce momentous externalities. Anderson and Ostrom (2006) note that complex spatial and temporal boundaries of natural resources alongside with their potential externalities hardly conform to the existing political institutions.

A swift depletion and incessant deterioration in the physical productivity of CPRs, unequal access and control of the poor on CPRs have been the key influences in displacing

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<sup>1</sup> Resources used by an identifiable group of people irrespective of whether the resources are owned or not owned by them.

many people from their surroundings and often reducing their status to “environmental migrants”. In recent time of globalization where market solutions receive importance and are becoming answers for all economic and other challenges confronted by society, the renewal of CPR productivity poses major policy challenges. Several scholars (e.g., Andersson, 2006; Bromley, 1992; Ostrom 1998, 1999) have observed that global attempts at democratization and decentralization have occasioned the creation of broader opportunities for people’s participation in governance and, also in exercising control and management over natural resources. Many third worlds including Ghana have made efforts to devolve natural resource management (NRM) functions as a part of the process of institutional reforms. The objective of these reforms is to remedy some of the negative fallouts of the top-down and centralized governance by promoting local governance structures, which can help tap the understanding, and the ability of the local people and at the same time providing them incentives (Ribot, 2004). Varied terms such as devolution and de-concentration are used to refer to the diverse forms in which decentralization ensues. This is because decentralization occur in many dimensions, at multiple levels, and for different types of tasks.

Decentralization refers to the devolution of oversight and control from central authorities to lower levels in a political-administrative and territorial hierarchy (Bartley et al., 2008). It is also the shift in government from centralized and state-controlled regimes to local arrangements established on local forms of governance (Agrawal & Ostrom, 2001; Manor, 1999). The basic notion of decentralization is persuasively simple: roll back the state or hand over or give back power of decision-making from the central state to people mobilized at the periphery. The re-allocation of new powers downwards to localities and districts is notable in Asia (Crook & Manor, 1998; Veron, Williams, Corbridge, & Srivastava, 2006), Latin America (Faguet, 2003; Rodgers, 2003) and Sub-Saharan Africa (Blaikie 2006; Devas & Grant, 2003; Ribot, 2002). Manor (2000) deduced three types or forms of decentralization, namely de-

concentration or administrative decentralization (i.e., the dispersal of agents of higher levels of government into lower-level arenas); fiscal decentralization (i.e., the downward transfer of decision-making powers over funds and taxation to lower level government); and devolution or democratic decentralization (i.e., the downward transfer of resources, authority, power and often tasks to lower-level authorities which are in some way democratic). The dissertation places more emphasis on devolution because it is usually seen as an important mechanism for making the management of natural resources more sustainable. Devolution seeks to find an improved balance between conservation and use of renewal natural resources through the transfer of responsibilities regarding access, control, and use rights—sometimes based on the legal recognition of existing customary rights—in land planning and management to lower-level governments (Andersson, 2003; Larson, 2003; Larson & Ribot, 2004). The difference between de-concentration and devolution is that the earlier term refers to the transfer of authority from central government ministries to branch offices situated outside the nation's capital, while the later refers to a wider set of transfer measures such as the allocation of authority to local community organization. Devolution involves the establishment or renewal of elected bodies at a lower level. Since parliament (legislative organ) depend on the executive organ of government to translate their decisions into action, devolution is not likely to be effective without accompanying de-concentration (Ribot, 2002, 2004).

When decentralization is applied to a wide range of public policies, it aims to increase popular participation, promote more equitable and efficient forms of local management and development. The arguments in favour of decentralization reforms are not purely based on economic and administrative efficiency. Instead, decentralization reforms are often connected with promises of progress in checks and balances, sustainability, and empowerment of poor, vulnerable and marginalized people (Manor, 1999, World Bank, 2002). As such, the widely held notion of decentralization is that it is a mechanism of inclusion and empowerment (Piriou-

Sall, 1998; World Bank, 2000). This mechanism of inclusion is expected to lead to empowerment, pro-poor policies, and outcomes (Crook & Sverrisson, 1999). Decentralization is also recognized as a possible panacea for the enhancement of livelihood of the rural masses and as a means (rather than an end) for poverty reduction. Since decentralization comprises of transporting central government nearer to the governed, governments can be responsive to the needs of the poorest, vulnerable, and marginalized groups. The World Bank (2000) has often described decentralization as a key mechanism to surmount rural poverty, strengthen public sector management, promote rules and institutions to provide an expectable and transparent framework for public and private business, and promote accountability for economic and financial performance. Besides promoting democracy, enhancing local participation, and building social capital by bringing the state nearer to people, other scholars (e.g., Agrawal & Ostrom, 2001; Agrawal & Ribot, 1999) have also argued that the process of decentralization would lead to improvements in resources allocations, efficiency, equity, accountability, and transparency. This is also expected to result in improve resource sustainability. For decentralization to be effective, central government should transfer meaningful powers and sufficient resource to autonomous local authorities that are representative and downwardly accountable (Ribot, 2002; 2004).

In the natural resource domain, Ribot (2002) has shown the connection between decentralization and its potential role in poverty reduction. Decentralization in natural resource typically restructure greatly the institution on which local resource management relies and thus affect significantly who manages or controls, accesses, uses, and benefits from the natural resources. Indeed, because rural poorest are those who usually depend more heavily on natural resources to support their livelihoods, the potential role of decentralization reforms in natural resource management can be remarkably effective. Natural resource management is also of particular interest to advocates of decentralization because natural resources can reveal a

significant source of revenue and power for new local government (e.g., the Metropolitan, Municipal and District Assemblies–MMDAs). In the realm of natural resources, functions that are devolved include the granting of licenses and permits for resource use, the collection of associated fees and fines, and monitoring of user groups’ compliance with environmental standards (Bartley et al., 2008). Conyers (2001) notes that new local governments often depend on their revenue from their natural resources to fund local development, which enhances their status and legitimacy and make the concept of community planning meaningful (p. 24). For these different reasons, it is argued that natural resources provide “a lens into decentralization and the development of local democracy” (Ribot 2003, p. 54). Therefore, natural resources can be regarded as the entry point to assess experiences of devolution or democratic decentralization.

However, some ardent critics have raised doubts that decentralization will lead to more direct citizen inclusion in the management of natural resources, promote social equity and eventually bring poverty level down (Blair, 2000; Crawford, 2009; Crook & Sverisson, 2001; Larson & Ribot, 2004). Based on some empirical evidence in Sub-Saharan Africa, decentralization critics have argued that the outcomes of decentralization have not met the expectations espoused above. They have pinpointed out that decentralization as a mechanism for NRM impacts differently on people because it involves actors who are economic and socially differentiated, with diverse interest and values, and whose actions and decisions are shaped differently by the broader structural contexts. The key issues raised about decentralization is that it is a complex and contested process. Yet, it is usually implemented based on policy guidelines without due consideration to the heterogeneity of the local context (Geiser & Rist, 2009; Jones, 2003). The World Bank (2000) has also cautioned that when decentralization is poorly designed, it may result in overburdened MMDAs without the resources or the capacity to fulfil their basic responsibilities of providing local infrastructure

and services. Increasing transfer of responsibilities to local governments without improving local skills, capacity, procedures, and resources bears the risk to weaken implementation of policy goals in front of powerful local private actors (Agrawal, 2010; Kashwan et al., 2019; Persha & Andersson, 2014; Poteete & Ribot, 2011). Since the last four decades, decentralization in NRM is greatly affected by the entrepreneurial resource management mindsets of some local powerful elites that favour extraction of short-term gains with little attention for resulting social costs (Lund & Saito-Jensen, 2013; Wong, 2012). Therefore, the consequences of decentralization in NRM remain ambiguous.

In most Sub-Saharan African countries, different contradictory land and land related resource legislations have been pursued (Boone, 2015; Wardell & Lund, 2006). On the one side, various forms of NRM legislations have been implemented in the form of “indirect-rule” in colonial time (Fermin-Sellers, 1996; Mamdani, 1996; Wardell & Lund, 2006) or recent approaches to democratic and participative decentralization (Ribot, 2002). On the other side, colonial and post-colonial administrations throughout Sub-Saharan Africa continue to hijack local rights to customary land and land related resources as state laws limit or attempt to dismantle customary communal use rights, which are considered as refraining productivity (Boone, 2015; Chimhowu, 2019).

The discourses on decentralization have come in waves and took distinct forms in colonial and post-colonial eras (Batterbury & Fernando, 2006; Boone, 2015; Wardell & Lund, 2006). However, the changes in the mainstream views on decentralization in the post-colonial era, for example, from the 1970s to date have imperative implications for NRM. While the earlier perspective on decentralization highlights the transfer of roles and functions of central government to hierarchical government structures situated at the local level. The newer perspective on decentralization places emphasis on good governance, resource sustainability and local empowerment.

## 1.2. The Mainstream Perspectives on Decentralization

In this section, I discuss the discourse and practice of decentralization from the 1970s to date to understand the change in both the policy and practice and the implications on the reasoning and practice of NRM. Between 1970s and mid-1980s, decentralization reforms were more connected to the division of the central state's power and authority to local government level as efforts to tackle the inefficiencies of the central government (Cheema & Rondinelli, 2009; World Bank, 2000). As such, decentralization was about rolling back the role of the central state to make government more responsive and efficient (Smoke, 2003). Therefore, decentralization reforms in Sub-Saharan Africa focused on de-concentrating hierarchical government structures and bureaucracies to local government to address the breakdowns of the central state. In this context, both the policy and practices of decentralization were to put an end to the bureaucratic bottlenecks occurring in centralized government planning and management to accelerate local development (Smoke, 2003). Thus, decentralization was more about transferring authority, power, and responsibilities within government agencies.

From the mid-1980s to the early 1990s, the forms of decentralization policies broadened the concept to embrace people's participation, political power sharing, democratization, and market liberalization due to growing concerns occurring over the ineffectiveness of the central state to inspire social and economic development. The policy and practice of decentralization within this period focused on the proper allocation of tasks to local government and local agencies. Subsequently, between the early 1990s and late 1990s, the decentralization discourse extended to encompass not only hierarchal government structures but also the private sector and civil society organizations. In this era, the policy and practice of decentralization centered on how the state should intervene in economic activities and the proper roles of government, the private sector, and civil society organizations in development process. In this period, the idea of community-based natural resource management (CBNRM) was promoted, and efforts

were made to mobilize local people around community-based organizations (CBOs). The CBOs comprised of groups who strive for community-based arrangements of accessing, controlling, and sharing benefits from commons such as pastures, water, and forest (Poffenberger & McGean, 1996). Many of the CBNRM schemes were associated to the interest in the local governance of common goods and services that re-surfaced with the rising popularity of New Institutional Economics (e.g., Anderies et al., 2003; Ostrom, 1990).

Meanwhile, the latter forms of decentralization policy in the late 1990s place more emphasis on local forms of democratic governance that widened spaces for citizens involvement that were also shaped by the ideals of the ‘good governance agenda’ to reduce poverty. The good governance agenda became a key notion in which “citizens can have a more active role” (Gaventa, 2003, p. 3) and which should “increase legitimacy [of the state] in view of its citizens” (Swiss Agency for Development and Cooperation [SDC], 2008, p. 1). The concept of good governance continues to be based on the broad consensus among development circles that “the state plays a key role in determining the rules of the game, enforcing those rules, and in making its resources available to the entire population” (SDC, 2007a, p. 4). In recent time, the concept of good governance has been expanded to incorporate participation in decision-making concerning natural resource management due to the growing incidence of rural poverty in Sub-Saharan Africa (Cheema & Rondineli, 2007; Ribot, 2002; World Bank, 2000). The need to involve local people in decision-making relating to NRM is justified on two main grounds: First, participation in local decision-making is regarded as a basic human right (SDC, 2007b). Second, participation in local decision-making is considered as a prerequisite for development. In a utilitarian perception, decentralization is projected to foster development more successfully than it was the case when the central state was in control. Manor (2000) writes that “... by opening the policy and political processes to ordinary people, decentralization can do much to enhance their well-being and make their livelihoods and

development more sustainable”. It is significant to indicate, however, that the form and context of decentralization reforms put into effect in mainstream development have mainly been shaped by existing debates in development policy and practice.

### 1.3. The Debate on Decentralization: Two Schools of Thoughts

In this section, I discuss the main thrust of the two schools of thoughts on decentralization namely, the free-market economists’ perspective, and the anti-state and anti-market perspective (Bardhan, 2002). There are some similarities and vast differences in both school of thoughts. Within these debates, decentralization is presented as a statist project of social transformation (Corbridge, 2008). The free-market economists draw more on technocratic principles to confront the inefficiencies of the central state. The technocratic view is informed by the idea that experts can either design robust local level institutions or fix the deficiencies of inefficient agencies to enable the state govern society (World Bank, 2001). Viewed from this perspective, decentralization is thought of as a technocratic activity due to its adherence to bureaucratic principles of public administration, fiscal and instrumental rational planning to achieve structural transformation. This view stresses the importance of getting local government institutions order to foster good governance for development outcomes to be efficient, accountable, and responsive (Ribot, 2004). Central to the technocratic approach is the tendency to initiate governance reforms from above and to insulate decision-makers from politics (World Bank, 2001). The state’s organizations and staff are expected to act impersonally to achieve functional ends through the application of instrumental rational techniques (Corbridge, 2008). To achieve these functional objectives of the state, certain technical procedures framed in the discourse of good governance are adopted for state agencies to function more efficiently, address the needs of society, and finally transform it. Meanwhile, critics of the free-market

economists chastise this perspective for not adequately considering context specificities by oversimplifying complex reality and downplay local politics (Corbridge, 2008).

In contrast, the anti-state and anti-market or what Bardhan (2002) terms as “anarchocommunitarian” advocate for the deepening of democracy by placing emphasis on formal representative agencies supplemented by an active civil society. The main thrust of this approach to decentralization is the rejection of the overly centralized and elite-controlled character of the state and the market in favour of empowering local actors with their forms of organizations (Houtzager & Moore, 2003). These supporters advocate for local actors, including the marginalized and oppressed to be mobilized, preferably through the activities of social movements to challenge the hegemonic state and its associated elites. One of the advocates arguments is that local actors have the capacity and ability to know and express their interest to shape the outcome of development through active mobilization.

The two schools of thought congregate around the mainstream view that state-society relations can be fixed and altered through mechanisms of decentralization (Bardhan, 2002). Both approaches emphasize some form of “modernism” that suggests that state-society’s relation can be transformed either through conscious design of the institutions of the state or through the mobilization and the subsequent emancipation of the poor and marginalized around their local forms of organization to manage their affairs (Scott, 1998). In other words, both schools of thoughts focus on the proper mechanisms to promote more direct citizen engagement in the process of governance and the role of the state in addressing the needs of society. However, comparing the two approaches, the anarchocommunitarian conceptualizes people as being defined through relations with others and embedded in community, whiles the technocratic view sees people as self-interested autonomous. Heller (2001) observes that “the technocratic vision understands but reifies institutions at the expense of mobilization, whiles the anarchocommunitarian understand and reify mobilization at the expense of institution” (p.

136). Therefore, the state should decentralize power and authority to lower-level agencies and consider the sociopolitical perspectives that will make local government responsive.

#### 1.4. Problem Statement

Since 1988, Ghana launched decentralization reforms ostensibly to restore the country's economic deterioration, expand service delivery to people living in remote areas, speed up local development, and promote resource management (Aryee, 2008; Crawford, 2009). Ghana's decentralization is underpinned by the Local Government Law 1988 (Law 207), the 1992 Constitution of Ghana and the Local Government Act 1993 (Act 462). These laws place emphasis on getting the institutions right to strengthen local government. The aim of Ghana's decentralization reforms as enshrined in the legal framework is to make development inclusive and sustainable with poverty reduction as the main priority. Article 240 (2)(e) of the 1992 Constitution states that people should be given the opportunity to participate in the structures of local government (i.e., the MMDAs) to manage natural resources. Decentralization has not only redistributed power among local actors, but also resulted in the creation of new forms of local government with some discretion of administrative, political, and fiscal autonomy. The MMDAs are made up of both democratically elected and appointed members who are given specific power, authority, and tasks to perform.

Though decentralization is presented as a panacea for problems of development, natural resources, and poverty (Ribot, 2002), the reality is more complex (Bartley et al., 2008; Fisher & Ali, 2019; van Leeuwen, 2017). Several reforms are being labelled as decentralization, and the outcomes of these reforms differ from one context to another (Agrawal & Ostrom, 2001; Smoke, 2003; Sumberg & Okali, 2006). In natural resource management, decentralization has been associated with superior performance (Blair, 2000; Contreras & Vargas, 2001; Ferroukhi, 2003; World Bank, 1988). On the contrary, decentralization is also linked to environmental

deterioration or sustainability challenge (Curran et al., 2003; Manor, 1999). However, in situations where enhancements in the efficacy of natural resource management have arisen, fears of equity usually remain (Nygren, 2005).

In Ghana, decentralization reforms also involve significant shifts in property rights to local governments, but not to the local resource end-users. As such, research on property rights and natural resources in Ghana has inadequately demonstrated that tenure security can effectively influence incentive structures for sustainability (Agrawal & Ostrom, 2001; Marothia, 2002; Singh, 1997). If local governments and local communities compete for the same resource base (e.g., land and mineral wealth), the property rights of local governments may strengthen and simultaneously weaken the property rights of local communities leading to negative impact on sustainability. This is because of the central government's strong resistance to transfer access and control over natural resources and provide adequate administrative support to local agencies and authorities for effective decentralized decision-making.

While there is a clear mandate, design, and tasks for the MMDAs in Ghana, the relationship between the MMDAs and the local communities are not sufficiently explained in the policy framework that guides the approach to decentralization and natural resource management. In addition, the conditions and processes through which decentralization reforms are to enhance efficiency, improve social equity and reduce poverty at the local government level are not explicitly defined (Aryee, 2008; Crawford, 2009; Crook, 2003). The inadequate consideration given to the impact of the outcomes of decentralization reforms on people especially in targeting and including the poor, vulnerable and marginalized people has led to an ongoing debate about the transformative potential of decentralization.

Also, supporters of decentralization often time presume that local people constitute a homogenous social group with shared norms. Yet, local people are highly mobile,

economically, and socially discerned who have unique interests and values (Agrawal & Gibson, 1999). As such, local elites sometimes hijack community resources for their own because attention has not been given to social equity and inclusion (Agrawal & Ostrom, 2001). Thus, previous positivity concerning collective action has been distorted by poor outcomes of participatory resource management projects and complex local social structures. Hence, the study focuses on the apparent contradiction of colonial efforts to decentralize natural resource management to more recent policies in northern Ghana.

### 1.5. Research Questions

Natural resource management involves external institutional arrangements<sup>2</sup> between government and local communities or resource end-users and internal institutional arrangements<sup>3</sup> within local community agencies. The nature of institutional arrangements defines the extent of property regime over land and land related resources. A property regime is a system or a set of institutional arrangements or working rules of rights and duties characterizing the relationship of co-users to one another with respect to a specific natural resource. Property rights regimes or resource management regimes can be classified under four categories: state property, private property, common property, and open access (Bromley, 1989; Gibbs & Bromley, 1989; Ostrom, 1990). These four categories have been extended by Townsend and Polley (1995) who indicate that resource management can be shared among

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<sup>2</sup> According to Townsend and Polley (1995), this has three alternatives of resource management systems, including *rights-based management* (i.e., the government grants usufruct rights to individual resource end-users under certain defined constraint conditions and presumes the role of monopoly over the resource base as well as retains all tasks for conservation decision), *co-management* (i.e., both the government and the local communities share tasks for decision-making over all or most of the resource management decisions) and *contracted management* (i.e., to shift a chunk part of the decision making process to local agencies).

<sup>3</sup> Townsend and Polley (1995) proposed four alternative that are closely linked to the concept of distributed management, including, *self-organizing agencies* (i.e., local communities retain institutional and organizational decisions and the government may use the institutional building capacity to support and gain strength from self-organization), *communal management* (i.e., minimize the prevailing authority of state and vest more localized interest), *cooperative management* (i.e., membership is limited with well-defined working rules for collective governance) and *corporate management* (i.e., owners and shareholders of the corporation will operate under management rules typical of private corporations).

states, communities, and private interest groups in various ways at different decision-making levels. If the central government devolves property rights over natural resources that comply at the operational, choice, and constitutional levels, then meaningful decentralization can take place.

At the operational level, users interact with each other to use or withdraw resource units from a CPRs. At the collective choice level, rules are established to structure the operational terms, and decisions are taken by existing and potential resource users to define the operational, institutional, and technical arrangement. In constitutional situations, the decision is taken to determine who has the authority to structure rules for collective choice situation. The outcome of decentralization at the different levels are largely affected by the types of property rights structures assigned to the resource end-users in decentralized natural resource management (Agrawal & Ostrom, 2001). It is not necessary that the three levels correspond to the three actual levels of authority or institutional arrangements in political or legislative system.

However, it is entirely possible that the same political or administrative agency designs and implements rules-in-use for decentralized management of natural resources at all three levels (Andersson & Ostrom, 2006; Ostrom, 1999). Thus, I want to address the question: *What is the impact of decentralization on natural resource management, sustainability, and gender relations in Ghana?*

Subsequently, I developed three sub-questions to contextualize the above research question.

Research question 1 (Q1). How do decentralization reforms modify the balance of power between public administration in charge of land administration, customary authorities, and resource end-users?

Research question 2 (Q2). How is it to be explained that, paradoxically, the decentralization of the formalization of rights in artisanal and small-scale mining (ASM)

has promoted informal ASM leading to a negative impact on social, economic, and environmental sustainability?

Research question 3 (Q3). How do intersectional gendered power relations in mining communities of Ghana impact on women's access to power and ability to transform patriarchal social structures?

Before launching my enquiry, I developed the theoretical foundation on which this study is based in chapter two.

### 1.6. Justification of The Thesis

Growing out of advocacy work in rural communities affected by common or land grabbing for large-scale agriculture (e.g., Biofuel Africa Ltd., Integrated Tamale Fruit Company, ScanFarm, Jatropha Africa, Kimminic Corporation, Galton Agro Ltd., Amuamom Industries, Savannah Black Farming and Farm Management Ltd., etc.), mining (Shaanxi Mining (GH) Company Ltd.) and resource degradation, my interest was in the extent to which highly exposed communities could influence public actors regarding their priority developmental concerns. I spotted the little interest of local populace in the activities of the state, including using local government structures to reshuffle ongoing relations in their advantage. The state's absence in most parts of the rural communities in Ghana was mostly reflected in the poor state of local resources and in some cases non-existent public social infrastructure to support sustainable resource use, and widespread poverty. The absence of the state in the everyday life of rural communities produced an enabling environment for traditional authorities (e.g., customary chiefs) to fill the gaps established by the state's absence and managed the local affairs.

I was mesmerized by the consequence of community life and the way in which customary authorities were able to influence the day-to-day life of the communities through diverse

strategies and mechanisms. For example, within these rural communities, I noticed many efforts by local actors to address their everyday collective issues through diverse mechanisms (e.g., customary, familial, and religious institutions). The chemistry of innovation and endurance in solving community issues were always observed during developmental crisis in the communities. My understanding was that whatever went on in the rural communities, the local citizens knew how to respond to their developmental crises and the mechanisms on which to draw.

I have also observed the little enthusiasm of local people in the process of managing their natural resource, creating a similar fear of what Hardin calls the “tragedy of the commons”. This aroused my interest and puzzle that if decentralization, which is promoted in many different countries by national and international actor had such little appeal among these diverse local actors with different intensions and interest, then why is it amplified as a public policy for the state to tap into the resources of local areas for development. Though, I did not ignore the actions and strategies of the local social actors concerning their participation or non-participation in both NRM and rural community affairs and their disregard for the state in their everyday life. I sought to gain access to their knowledge, the values and ideas shaping their actions, the constraints the encountered and strategies they employed to overcome their developmental challenges taking into consideration the structural characteristics of the society in which they were embedded.

Therefore, learning from research to understand the process of decentralization and institutional arrangements for NRM is highly interesting and topical. This study is not only an evaluation of the concrete impacts of decentralization policies, but also—and primarily— a theory–informed analysis of the processes at play. The approach used in this study is to obtain highly valuable and counterintuitive findings to fill the gap in the existing literature.

## Chapter Two

### Theoretical Perspectives on Property Rights Regimes or Resources Management Regimes

#### 2.1. Introduction

In this chapter, I cast the dominant theoretical underpinning, approaches, and perspective on property rights regimes. Since Ostrom's (1990) response to Hardin's (1968) "tragedy of the commons", concerns regarding institutions and natural resources have been strongly linked. The study of natural resources helps to reinforce and expand the literature on institutional theory. Institutionalists offer useful tools for understanding resource management regimes. Subsequently, I illustrate the ideological camps on the concept of property rights.

#### 2.2. The Concept of Property Rights

Generally, development theory has been divided into two ideological perspectives or camps or groups, namely, the radical and the liberal perspectives. While the radical theorists on the one hand have accentuated the willful and inescapably negative effects of advanced capitalism on economic development and political stability of third worlds, the liberal thinkers on the other hand have highlighted the features of market-driven growth and democratic political institutions. Adherents of both ideological perspectives have endeavored to elucidate the impact of the capitalist world market on pre-capitalist communal land tenure systems.

##### 2.2.1. The Radical Perspectives

Radical theorists underscore the role of the state in effective (or thwarting) the transformation of property rights to land and land related resources. Classical Marxists have demonstrated that the presence of customary forms of land tenure suffocated the formation of capitalist markets. Customary tenure gave each member of indigenous society access to land and land related

resource, which involves access to the means of subsistence production. As a result of subsistence production, local citizens in Sub-Saharan Africa had no incentive to produce for the market or even labour for European business. Due to this quandary, the British colonial government succeeded to wipe out customary tenure and enforced their preferred system of private property rights. Property rights can be defined as the power to restrict the ability of other people from enjoying the benefits to be secure from the use and gratification of material good (Gerber et al., 2009; Gerber & Haller, 2020). The enforcement of those rights gives one actor – i.e., the rights-holder the economic profit from a given resource. It also gives that actor the power to exclude all others from using that resource in any capacity. The actions of the British colonial state, therefore, resulted in the creation of the landless proletariat needed to stimulate market production (Godelier, 1978).

However, the dependency schools of thought turn the Marxist logic on its head (Fermin-Sellers, 1996). Based on the work of French Marxist anthropologists, dependency thinkers argue that European capitalists exploited indigenous societies by deliberately maintaining pre-capitalist social systems (Foster-Carter, 1978). By maintaining pre-capitalist systems, the European capitalists often paid a male labourer a subsistence wage, which was inadequate to cater for his family—i.e., wife and child(ren) (Amin, 1971). Correspondingly, the European capitalists strategically retained pre-capitalist system to rally with customary authorities and convince them to force their subjects to labour for the Europeans at a low and sometimes a non-existent wage (Fermin-Sellers, 1996). Therefore, the underdeveloped third worlds were prevented by the European capitalists from moving towards private property rights and by extension blocked the growth of homegrown capitalism.

However, neither the classical Marxist nor the dependency theories satisfactorily elucidate the property rights systems that developed under the colonial era. Till today, the property rights systems in Sub-Saharan Africa are neither purely private as classical Marxists

envisaged, nor purely customary as expected by the dependency theorists. So, property rights in contemporary Sub-Saharan Africa are a fusion of private, public, and communal ownership. Unfortunately, unlike in western Europe, none of these systems is secure in the global south, especially in Sub-Saharan Africa.

I argue that the radical perspective of property rights seems inadequate since it neglects to acknowledge the monumental role of politics<sup>4</sup>. I argue that the radical theories emphasis on class analysis urges them to consider the actors as a homogeneous group. Both the Marxist and dependency thinkers discern between the aboriginal elites and the population who join forces with the British colonizing power yet tend around to homogenize the group of European capitalists, ascribing to them a similar demand for secure tenure and cheap labour. These theories pay no attention to the possibility that the European businesses with diverse production innovations, technologies, and various levels of capital investment in Sub-Saharan Africa may pursue different or even conflicting goals. I also argue that the radical scholars adopt a naïve model of the state.

Both the classical Marxist and the dependency scholars view the state as a purely predatory ruler. They presume that the state is omnipotent and quite capable of pursuing the interests of a so-called homogeneous European capitalists. As such, the radical theorists do not investigate the interface between state actors and their followers. These theories neglect the possibility that those followers or subjects have the incentives to also obstruct the state's efforts to enforce an exploitative property rights system. The radical perspective is not fully concern about the state actors' motivations. Instead, the radical perspective assume that the state necessarily serves the interests of European capitalists and consequently go bankrupt to explore the state's independent goals (Phillips, 1989).

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<sup>4</sup> The competition over limited resources and the processes by which that competition is (or cannot be) resolved.

A further tradition of the radical perspective, namely the moral economy school of thought, redress aspects of these flaws by acknowledging the state's inability to impose property rights on uncooperative masses (Scott, 1976). The moral economy school of thought argues that confronted with the intrusion of the world capitalist economy, indigenous producers move back into a peasant mode of production. Contrarily to the capitalist mode, individualism, production for profit, and private property rights, the peasant mode of production emphasizes egalitarianism, subsistence production, and communal tenure. Although, the moral economy school of thought recognizes the power of indigenous producers, however, they also treat indigenous producers as a homogeneous group. The moral economy school of thought argues that indigenous producers evenly refuse private property rights and embrace communal land tenure. By conjecture, indigenous producers do not battle one another to claim more exclusive rights by redefining communal tenure. Consequently, the impact of conflict among key social actors remains hidden. Even though, the radical thinkers center mainly on the state's supply of property rights, liberal theorists suggest societal demand for property rights. In the ensuing section, I examine the liberal perspectives of property rights.

### 2.2.2. The Liberal Perspectives

The liberal perspectives assume that in the context of societal demand for change, pre-capitalist communal land tenure systems would pave way for capitalistic private property rights to prevail. The modernization thinkers suggest that communal land tenure systems, which vest land in one's fictional ancestors reflect the indigenous actors' bond to their clans or lineages. As modernization erode these traditional attachment and as indigenous actors come to terms regarding the nascent nation-state, communal land tenure will be substituted by a new set of private property rights (Huntington, 1968). Neoclassically inspired institutional theorists have succinctly specified the causal mechanisms for such conversion (Fermin-Sellers, 1996).

Drawing on the neoclassical idea of rational narcissism, institutional economists argue that communal property rights developed when land held no (or little) economic value. However, because the pre-capitalist societies are faced by globalization and embedded in the world market, new economic opportunities opened resulting in the rapid appreciation of land values. The perseverance of communal property rights blocked indigenous actors' attempts to profit from these new opportunities.

As a result, the contemporary local actors began to slack traditional lineage knot/tie, and to "demand" the restructuring of indigenous property rights systems (Feeny, 1998). Eggertsson (1990) terms this initial institutional explanation as the naïve theory of property rights. Subsequent institutional analyses have digressed further from the neoclassical economic theory (North, 1990a). The institutional analyses questioned the neoclassical hypothesis that economic decision-makers possess complete and perfect information about the goods being traded, and about the people with whom they interact. Under such conditions, economic exchange is costless, and individuals voluntarily transact with one another to realize mutually beneficial gains. The paradigm shift in the theoretical perspective is significant for development scholars. For instance, the assumption of perfect information is most exact in certain sectors of the well-developed capitalist economies of the western world. In those sectors, markets convey information about a good's quality and exchange takes place within a set of institutions that clearly defines property rights over those goods and adjudicates disputes over the terms of trade. However, in most of the third world, markets are not completely created, property rights are not clearly defined, and adjudicatory institutions are not readily enforced. In such an environment, resource end-users (or decision-makers) possess incomplete and imperfect information. Decision-makers can obtain new information only at a great cost. The decision-makers can also organize transactions but that too is costly. Arranging transactions requires the decision-makers to conduct lengthy negotiations with other parties, pay off would-be-

claimants, and even invest in coercive power to enforce their exchange (North, 1990b). Under these conditions, Ensminger (1992) suggests that economic exchange is expensive.

In most situations, the early property rights scholars recognize the costs linked to transforming property rights are positive and substantial. As a result, when the value of a given resource increases, individual decision-makers will not automatically demand that rights to that resource be more narrowly defined. Rather, the individual decision-makers will evaluate the costs of rallying to demand a change, measuring the attributes of the resources, excluding would-be claimants to the resource, and monitoring and enforcing the new property rights system (Eggertsson, 1990). If these costs are high, they can outweigh any potential gains from the reassignment of rights.

Scholars from a wide range of disciplines have employed this theoretical framework to explain the definition and enforcement of property rights at the level of state and community (North & Thomas, 1973; Ostrom, 1990). Researchers have documented several inspiring cases in Africa, Asia, North and South America in which individuals in the society have agreed to develop rights to use natural resources and establish institutions to enforce those rights. The empirical evidence documented in these continents suggests that the economists' theory of property rights can help us to understand the process by which property rights are transformed in some extraordinary cases. However, it should be noted that the economists' theories are not entirely generalizable. They cannot explain the several occasions in which individuals request a change in the definition of property rights – i.e., suggesting that the potential gains from such a change outweigh costs–, but are unable to effect that change. This is the situation in Sub-Saharan Africa where indigenous elites push to alter property rights at the state and community level, but all types of property rights–i.e., communal, state, and private–are poorly enforced and insecure.

Ironically, the weakness of the liberal explanation of property rights parallels the weakness those of the radical theories. Like the radical paradigm, the liberal theory also excludes politics. The early institutional analysts failed to explain fundamental disparities between groups in society. Development scholars have often veered to analyze institutional development in minute communities whose masses were comparatively homogeneous. Community populace had related preferences about the types of property rights system that ought to be imposed, and the masses exercised a similar level of influence over the development of that system (Agrawal, 1993). Thus, they disregarded the way in which conflict over the allocation of resources affects the type of property rights system that is specified and the degree to which that system is enforced. In fact, they failed to consider the possibility that the status quo privileges some groups in society leading them to resist change. Likewise, they did not recognize the likelihood that some groups may cause to influence the pace or structure of privatization and thereby securing a disproportionate share of the newly available gains. Also, the institutional analyses held a simplistic view of the state.

Whereas the naïve property rights theorists viewed the state as a neutral arbiter who automatically enforced a socially efficient property rights system. They did not ask whether the state had sufficient capacity to enforce those rights, and they did not explore the process by which societal demands influenced state actions. In addition, naïve theorists ignored to appraise the state actors' motives. The liberal scholars did not question why rulers may decide to restrict themselves to the role of neutral arbiter instead of using their privilege positions to confiscate the wealth of their followers or subjects. Early institutional theorists did not elucidate why the state does not (or cannot) behave in a predatory way, which is an obvious weakness considering the history of colonial rule (Firmin-Sellers, 1996). They have acknowledged that a community of actors could not create institutions unless they were independent from the state and that

institutions were not sustainable unless state rulers recognize—implicitly or explicitly—their legitimacy and did not interfere with their operations (Ostrom, 1990).

In summary, institutional analysts did not develop an adequate theory of the state to understand the dynamics of institutional development at the community level. They failed to question why state rulers would devolve authority to define property rights to local actors. They did not also ask critical question about why state rulers would enforce locally defined property rights. Hence, both the radical and liberal theories have overlooked politics from their analysis, homogenized key actors and ignored to formulate a realistic vision of the state. By so doing, they have misrepresented the context of land tenure in Sub-Saharan Africa. The theoretical blunders lead me to ignore the decisive role that aboriginal actor played in defining property rights and disregard the ways in which conflict and cooperation among aboriginal and European actors influenced the enforcement of those rights.

### 2.3. The Politics of Property Rights

In this section, I analyze the political process by which actors in state and society strive to design and enforce a property rights system favourable to their interests. The analysis will focus on, not only on the motives and actions of officials in the colonial state, but also on the motives and incentives of individuals and groups within the sub-Saharan African society. In addition, the analysis will consider how the institutions of the colonial state shaped the opportunities available to aboriginal actors. Contrariwise, I will also consider how the aboriginal actors' choices shaped the operation of colonial institutions and the impact of colonial policy. In this context, the overall categories of society and state on the micro-analytic foundations.

The new institutionalism offers a foundation for my enquiry. The new institutionalism is developed on the foundations of methodological individualism (Firmin-Sellers, 1996). Its assumption is that every individual has well-defined preferences for goals, can evaluate the

impact of varied courses of actions or strategies, and decide on actions that he or she believes will bring the most preferred outcome. New institutionalism poses questions about how institutions influence preferences, strategies, and outcomes. Institutions refers to “the humanly devised constraints that shape human interaction” (North, 1990b). This definition contains both formal institutions of government and informal rules or norms of behavior. Institutions influence human behavior directly by imposing specific incentives and punishments on certain courses of action. Institutions also influences human behavior indirectly by shaping actors’ perceptions of their own self-interest. Moreover, institutions help to reduce the transaction costs that proscribe welfare enhancing exchange. Cultural norms highlighting honesty and altruism, for instance, reduce the informational preconditions for exchange. Also, formal rules specifying uniform standards such as pesticides levels for maize or cocoa serve to reduce the costs of learning about a good. Institutions also diminish enforcement costs. A well-established legal system, for example, strengthens the penalty for engaging in prohibited behavior, and shrinkages the cost of sanctioning lawbreakers or wrongdoers.

At first, institutional scholars invoked welfare augmenting outcomes to explain institutional development and maintenance (North & Thomas, 1973). Many of them have argued that individuals in local community create institutions to realize collectively beneficial outcomes. Community masses agree to waive actions that are in their immediate self-interests, suffer short-term losses, and/or put themselves vulnerable to other actors because they believe that they will benefit from the long-term increase in the social product (Firmin-Sellers, 1996). Modern-day followers of new institutional analysis contest this apolitical vision of institutional development. They offer us with the theoretical tools required to gain a more perfect interpretation of the political process by which property rights are transformed. The revisionists start with the observation that every institutional arrangement allocates power and resources in different ways. In most cases, individual preferences over institutions, including property rights

system will differ since every actor will tend to prefer an arrangement that is distributionally profitable. This makes every capable actor to work towards shaping the process of institutional creation in his or her favour (Libecap, 1989).

The focus on distributional conflict changes the object of institutional development. On the one hand, where a group of individuals agree on the most preferred outcome, institutional scholars interpret institutional development as cooperative. Then, the argument is that actors developed institutions to reduce transaction costs, provide a chance for exchange, and permit welfare enhancing economic growth to strive. On the other hand, where a group of actors opt divergent or contradictory outcomes, institutional analysts suggest that institutional development is involuntary and coercive (Knight, 1992; Moe, 1990). One or more powerful local elites are likely to create institutions to obtain private benefits from society. North (1990b) argue that the institutions developed by the few powerful local elites will lead to productive outcomes only if their private interests coincide with the public interest.

The dispute over the cooperative or coercive nature of institutional development parallels the debate over the state's role in enforcing property rights. The liberal scholars, for example, argue that the state is the product of a social contract between the ruler and the ruled (North, 1979). The state's provision of public goods includes the enforcement of an efficient, welfare enhancing property rights system in exchange for revenue often amassed in the form of a tax. Then again, the Marxist scholars and some neoclassical theorists depict the state as predatory (Fatton, 1992; Krueger, 1974). The state's ruler employs her coercive authority to remove income from her followers or subjects by enforcing that property rights system which is most beneficial to her or her most powerful subjects (Firmin-Sellers, 1996).

As shown in several studies, the focus on distributional conflict and coercive authority is central to the study of property rights institutions because it emphasizes the impediments to the definition and enforcement of property rights. People's attempts to obtain distributional

benefits may impair attempts to enforce property rights at the level of the state or local community. In Sub-Saharan Africa, state rulers may decide either to enforce a property rights system that is inefficient or to infringe property rights and confiscate the wealth of their followers or subjects. For the few powerful actors, coercion is a costly and usually a kneejerk instrument for sustaining authority. It is costly to monitor the many weaker actors and identify their deviations from prescribed behaviour. Many studies of peasant resistance indicate that an ideal monitoring and sanctioning are difficult because individuals have incentives to find ways and means to always undermine a disadvantageous arrangement (Scott, 1985). Similarly, it is expensive to marshal state security such as the police, military, or vigilante groups required to enforce the legal system or even sanction those who resist (Ensminger, 1992; Levi, 1988). Coercion is expensive because it disrupts opportunities for welfare boosting exchanges.

Considering the negative effects of coercion, Ensminger (1992) argues that the dominant actors have an incentive to create institutions compatible with the prevailing societal norms of equity or fairness. Such institutions are less expensive to enforce because weaker actors perceive them as legitimate. Over time, the institutions will lead to a higher flow of net benefits. Alternatively, the dominant actors may wish to limit their own authority in a bid to forge a “credible commitment” to adhere to the prevailing institutional arrangement (Shepsle, 1991)<sup>5</sup>. Credible commitments assure weaker actors that a dominant actor will not intervene to interrupt agreements and/or appropriate all gains for herself. Consequently, credible commitments encourage cooperative exchange and long-term contracting among weaker actors, and between weak and strong actors. These theoretical arguments imply that the establishment of property rights institutions is neither a purely coercive nor a purely cooperative process. Instead, it

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<sup>5</sup> Two main types of credible commitment are discernable, namely motivational and imperative. Motivational commitment describes the situation where dominant actors have interest to defend a commitment when he or she initially agrees to it and in all subsequent occasions. Hence, it is self-enforcing because the dominant actor gains nothing from revoking. Imperative commitment describes the situation where dominant actors have a first interest to commit and cannot revoke on that commitment in subsequent occasions.

appears that the most reliable property rights institutions are both coercive and cooperative. On the one hand, they are coercive in the sense that local people depend on the state's coercive authority to end the most egregious distributional conflict over the precise definition of property rights. On the other hand, they are cooperative because when property rights are in place and underprivileged actors recognize their losses, local people deal with one another to accomplish reciprocally beneficial rewards from specialization and trade (Firmin-Sellers, 1996). To a great extent groups of people will struggle one another to obtain a favourable share of those gains, but their competition is less likely to blow apart the underlying definition of property rights.

The back-and-forth between coercion and cooperation underscores the interconnection of the state's attempts to enforce property rights and the subjects' or followers' competition to secure a distributionally favourable definition of those rights. At the local community level, followers or subjects can unite to enforce property rights. If state actors decline to lend the state's coercive authority to one of the competing groups at the local community level, distributional conflicts will endure, and the local arrangement will not be sustained. Without the state's support, community members cannot consistently sanction those who infringe property rights and persuade them that further challenges to the system are useless. Thus, local people hold the believe that they can obtain a better share of society's natural resources by demanding an alternative definition of property rights. They may not comply with the existing rules of their community, likely to refuse to invest based on the existing property rights systems and their constant criticisms on that system will dissuade all others from investing (Barzel, 1989).

As citizens rely on the state to stop conflict over the definition of property rights, the state relies on its citizens to begin contracting based on those rights. To achieve this end, coercion alone is not adequate. State actors must show a credible commitment to support property rights

by restricting their ability to confiscate the wealth of their citizens. State actors must, therefore, devolve authority to local agents and individuals and grant them the power to monitor and sanction state officials as part of good governance principles and they must link the state's finances directly and plainly to society's productivity (North & Weingast, 1989). Only then will citizen believe that the state has an interest to conform by the existing system, which then will automatically make property rights to be secure (Firmin-Sellers, 1996).

#### 2.4. The Main Variants of the “New” Institutionalism

In this section, I discuss the main variants/traditions/strands of the “new” institutionalism, namely, economic/rational choice versions, historical institutionalism, and cultural/organizational neo-institutionalism (Hall & Taylor, 1996). All variants share a commitment to understanding the sources and consequences of institutions even though their individual conceptions of institutions and their analytical motivations differ. The economic/rational choice versions (North, 1990b) specifically center on the relationship between the “rules of the game” and the preferences of individual actors. On the one hand, rules evolve out of the strategies of individual actors, especially when they encounter problems that cannot be addressed through individual action alone. More significantly for examining the consequences of decentralization, the “rules in use” (Ostrom, 2005) define the payoffs of different courses of action—or the “institutional incentives in a given context” (Bartley, 2008, p. 164).

Historical institutionalism (Steinmo et al., 1992) considers the significance of incentives, but also highlight ways in which existing structures become self-perpetuating and mutually reinforcing, such that practices that are not collectively optimal persist over time. Issues regarding “path dependence” are one side of this wider approach (Pierson, 2000), as are claims about institutional complementarities (Hall & Soskice, 2001). The latter concept draws

attention to the ways in which institutional arrangements in one domain strengthen those in another such that sets of rules tend to cluster together in a given system (Bartley et al., 2008).

Organizational sociologists have their own version of neo-institutionalism (Powell & DiMaggio, 1991), which takes a more cultural approach to understanding the relationship between institutionalized rules and social life. Here, rules are not merely useful solution (as in the rational choice version) or just the congeal remnants of long-past decisions (as in historical versions), but they are also symbolically essentially “scripts” and “models” of appropriate action. Considering the cultural part of institutions sheds light on how heterogeneity and contradiction among the various elements of an institutional order influence the perspectives and strategies of individual and collective actors. For example, researchers working in this tradition have argued that social change usually involve a process of *bricolage*, in which components of the existing institutional order are integrated in novel ways (Campbell, 2004; Cleaver, 2002).

Though there remain significant lapses and disagreements across these strands, there seem to be increasing dialogue and compromise or reconciliation on at least some issues. One common ground across the strands is the increasingly emphasis on the multilevel “nested” character of institutions (Hollingsworth, 2002). For example, like Ostrom’s (2005) description of “nested action arenas” underlines that “all rules are nested in another set of rules that define how the first set of rules can be changed” (p. 58); Schneiberg and Clemens (2006) observe that institutionalism is fundamentally about assessing the explanatory power of “lower-order” and “higher-order” levels of analysis. The highlight on nested systems offers a useful overarching framework for the analysis of decentralization because, as other have recognized (Uphoff, 1993), problems of development and natural resource management increasingly exist within a multilevel structure of governance, from international agencies down to regional, district, local and small group levels (Bartley et al., 2008).

Decentralization involves expanding the number of levels that are authorized to make and enforce collective decisions of increasing complexity in the nesting of institutional rules. I argue that all variants have unique things to offer for the analysis of decentralized natural resource management. For example, in terms of the economic and rational choice version, the focus on institutional incentives for individual actors, such as local government official is relevant in the analysis of decentralization. According to Bartley et al. (2008), decentralization reforms are most likely to work where local government officials have concrete incentives to engage in effective management of natural resources. In terms of historical institutionalism, an interest in how the legacies of past policies condition the present and an expectation that institutional complementarity raises the likelihood of effective policy implementation. Historical institutional analysts have given several mechanisms through which such structures from the past may carry on into the present. Bartley et al. (2008) note that “a high degree of such costs and high “switching costs” may leave actors clinging to older structures and practices even if the recognized future benefits in new alternatives” (p. 165). Alternatively, previous policy regimes may generate organized constituencies that then have the power to resist future policy changes (Pierson, 2000; Thelen, 2004). Both mechanisms are potentially relevant to the decentralization of natural resource management. Finally, cultural/organization versions of institutions, a focus on institutional contradictions are also crucial in decentralization analysis. Institutional contradictions shape actors’ outlooks and facilitate efforts to strategically exploit contradictions. Several empirical studies have pointed out contradictions within and between levels of a decentralized regime (McCarthy, 2004; Larson, 2002). In the context of institutional contradictions and ambiguity, some actors may find opportunities to carve out space to pursue their own profit– or rent-seeking goals. In order to understand how different actors select and activate rules and regulations (institutions) that are created by decentralization, I adapt the new institutionalism and political ecology approach.

## 2.5. The Analytical Framework: The New Institutionalism and Political Ecology Approach

To appreciate the path of institutional change, I adapt the institutional change framework developed by Ensminger (1992) and subsequently expanded by Haller (2016, 2019) to illustrate and discuss resource management and sustainability, which are produced in chapters 4–6. The analytical framework is used to elucidate the processes of institutional change, power relations and gender relations. The framework is, particularly relevant for this study, because it goes a long way toward explaining the nature of institutional change and deals with the different actors' strategic selection of rules and regulations (institutions) that are formed by decentralization. Most importantly, this framework will help me tackle the power relations and gender relations, which new institutionalists neglected or failed to address. To recall Ensminger (1992), the new institutional economic anthropology "...combines the individual-actor approach of economics, anthropology's appreciation of institutional constraints, incentives, and ideology, and the attention to power that we associate with Marxist analyses" (p. 1).

The framework or model diagrammatized the interrelation of external factors (environment (social/physical), demography/population and technology) with internal factors (ideologies, institutions, bargaining power and organizations) shape transformations in relative prices of products (i.e., goods and services, land and land related resources) impacts the distribution, use and reproduction of CPRs at the local level (Figure 1). The anthropological framework or model captures the various variables used in this study and how they manifest practically at the local community level. The framework shows that the local context variables, which comprise four internal change concepts are shaped by three external variables/factors, which in turn trigger transformations in relative prices<sup>6</sup> of the specific resource. The framework

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<sup>6</sup> Ensminger used the term "relative prices" rather than "real prices" to focus attention on the fact that prices are relative phenomena.

highlights that changing relative prices lead to institutional change. Such change is sieved through the local political system, which comprises of ideology, institutions, bargaining power and organization and its outcomes are therefore much less certain than neoclassical economists would predict—that is they do not essentially result in the most efficient outcomes. While “such change may be in the direction of increasing the economic benefit of the powerful parties who initiate the change, there is no reason to expect that these interests will be consistent with increasing economic output for society as a whole” (Ensminger, 1992, p. 166).

While the model is unclear if it promotes and advances the view that changing relative price is the only possible precondition for any social or institutional change and thus would suggest that no social change is possible if price remains a constant variable. I would certainly not uphold this view, but I share with several other scholars that in the arena of NRM, decentralization can be analyzed as a key trigger of local institutional change. Nevertheless, Ensminger (1992) caution that institutional change may not always be immediate, as institutions and ideologies are “lumpy” (i.e., “they operate across numerous frontiers” (p. 11).

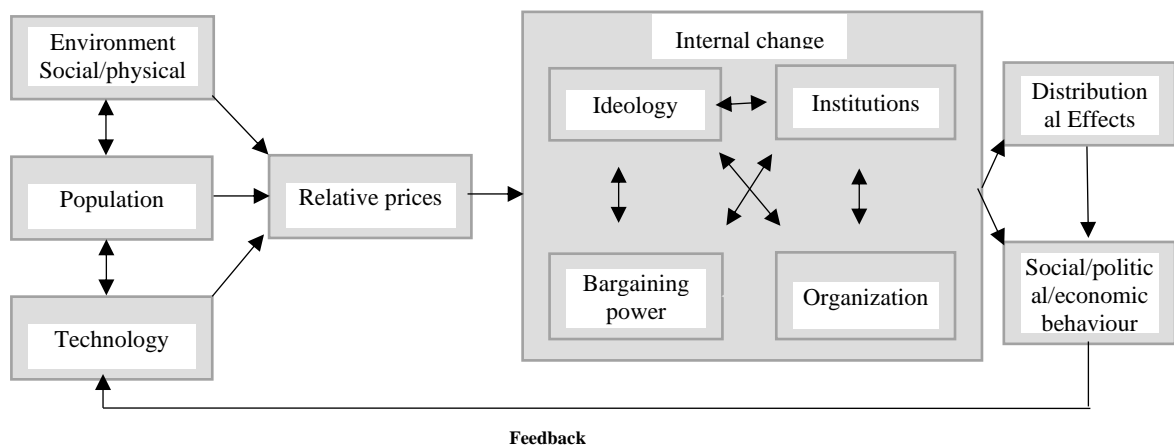


Figure 1. Modeling the anthropological tradition of institutional change  
 Source: Adopted from Ensminger, 1992, p. 10.

## 2.6. Explaining the Variables

From the model, I present the main variables and their relations with one another to later help me to explain the very different outcome of decentralization in the two case studies.

### 2.6.1. Ideology

The framework or model defined “ideology” as “the values and beliefs that determine people’s goals and shape their choice” (Ensminger, 1992, p. 5). In many occasions, values and beliefs in a society are constructed in for example, schools, families, religious organizations, and social events with associates/peers and through media and personal exposure to alternative customs. Ensminger (1992) underscores that “those who control centralized organs for ideological dissemination – schools, churches and media – obviously have an institutional advantage in promoting ideologies that serve their own ends” (p. 177). Wodak and Meyer (2009) also indicate that “... organizations that strive for power will try to influence the ideology of a society to become closer to what they want it to be” (p. 8). Dominant ideologies are thus applied to legitimate policy interventions. Ideologies also refer to as “the worldviews that give orientation to people’s actions and perceptions, discourse as the production of meaning and orientation through spoken and written language and narratives as the logical definition and explanation of specific situation (Galvin & Haller, 2008, p. 14).

In the context of natural resource conservation in an increasingly globalized world, Galvin and Haller (2008) demonstrate how multinational, corporations, NGOs and other development stakeholders often use dominant conservationist ideologies and discourses to penetrate inaccessible territories to legitimize particular actions or particular institutions. Using rising prices of land in Zambia, Haller (2010) and Haller and Merten (2008) have shown how powerful individuals refer both to customary rules and regulations (based on the ideology of “tradition”) or statutory rules and regulations (based on the ideology of modernity and

discourses of citizenship, democracy, and development) to legitimate certain institutional arrangements. They refer to this as a strategy of “institution shopping”.

Gordon (1989) also asserts that the promotion of Western forms of decentralization, good governance, democracy, and free market principles “would assure that the dominant ruling group would be, as in the West, the affluent, educated middle classes and other propertied groups—however, small they constitute. Such groups are likely to share the West’s interests in an orderly and stable society compatible with the commercial needs of both (Huntington, 1986), even if the price is poverty and powerlessness for the majority of people” (p. 183). This is also like Ferguson’s (1994) “anti-politics machine” of development where he presents that based on the dominant ideology of progress through modernization, NGOs and other development actors have constructed discourses and narratives, which see poverty and under-development as technical problems to be solved through their interventions, thus leading to a de-politicization of development.

However, it should be noted that legitimating ideologies, discourses, and narratives are not only evoked by powerful NGOs, states, or multinational corporations to legitimate their interventions, but are also used strategically by local actors striving to further their own interests in institutional change. In a context of state-building processes in Africa, Haggmann and Péclart (2010) have demonstrated how diverse stakeholders mobilize symbolic repertoires to further their interests, legitimize their actions and to mobilize popular support. They indicate that the repertoires are rooted in strong discourses as sources of legitimacy and may build on international discourses including “democracy”, “development”, “sustainability” or “human rights” as well as on notions of national, religious, or cultural identity (Haggmann & Péclart, 2010, p. 547).

In this dissertation, I will demonstrate that powerful (inter)national legitimating discourses and narratives also enter the local context through decentralization reforms, where

they are used by powerful groups to legitimize access, use, and control over resources. Since the nature of neoliberalism has changed from state–organized to local–organized in the 1980s and 1990s, local empowerment, sustainability, equity, and gender equality are part of the neoliberal legitimating ideology. Women, girls, and youth participation in decentralized NRM have therefore become a metaphorical priority in decentralization reforms. Recent prominent discourses associate increased gender equality and the empowerment of women to various presumed social goods, such as greater economic growth, poverty alleviation or increased food security. Also, women participation in decentralized NRM is often seen as the panacea to a range of policy problems, from violent conflict and corruption to poverty and hunger (Cornwall et al., 2007). In conjunction with references to development, sustainability and poverty reduction, gender equality has also become an integral part of the general neoliberal legitimating ideology of decentralized NRM. Apart from ideology, “institutions add predictability to human social behaviour and facilitate cooperation” (Ensminger, 1992, p. 5).

### 2.6.2. Institutions

Ensminger’s (1992) model has been applied in Africa context to analyze both formal institutions for resource management including policies and property rights (Gerber et al. 2009; Knöpfel, 2007), and informal institutions, including local customary rules and regulations and common property systems or regimes (Haller, 2016, 2019; Ostrom, 1990). Thus, institutions comprise of the amalgamation of formal rules (such as those regulating the structure of the polity, property rights, and contracting), informal constraints (the customary rules of the game), and enforcement (including that occurring by self-imposed standards of behaviour). In consequence, institutions “structure incentives in human exchange, whether political, social, or economic” (p. 5). Institutions also structure organizations and their performance.

### 2.6.3. Organizations

It refers to groups people establish to attain their goals. Examples include political bodies (e.g., the senate, a regulatory agency, political parties, etc.), economic entities (e.g., trade unions, family farm, firms, cooperatives, etc.) social bodies (e.g., athletic associations, clubs, churches, etc.), and education bodies (e.g., universities, vocational training centers, schools, etc.). Distinct from ideology and institutions, organizations are not about ideas. Instead, organizations are key to collective action and perhaps organized with the express objective of campaigning for transformations in the institutional structure or even the underlying ideology of society. The role organizations usual play in furthering ideological ends – churches and schools in this case – and in providing the arena through which institutions are played out – for example Congress (Ensminger, 1992, p. 6). Like ideology, bargaining power is usually sidestepped.

### 2.6.4. Bargaining power

Bargaining power refers to “one’s ability to get what one wants from others” (Ensminger, 1992, p. 7). It may arise from “greater wealth or social position or the ability to manipulate the ideology of others” (bid.). The model underscores that bargaining power is determined by the preexisting institutions, organization, and ideological configuration. Bargaining power can also be used to alter transformations in each of the above domains. Power plays a pivotal role in institutional change. While wealth and social positions are certainly important determinants of power, Ribot and Peluso (2003) list additional relational and structural sources of power (e.g., bundles of power), which may also have influence on people’s ability to shape institutional change.

Some scholars (e.g., Adams et al., 2018; Gerber & Haller, 2020; Haller, 2019) have used political ecology and its three strands—political economy/Marxian, the post-structuralism, and

the posthuman/feminist in political ecology—to analyze how institutions and agency structure power relations in resource use leading to specific outcomes at the local level. While both the political economy strand of political ecology focuses on private ownership as a contemporary way of development, it helps me to highlight who has the power to select what type of institution on different levels and scale (Haller, 2019). The posthuman/feminist political ecology strand has been efficacious at highlighting how households' exposure to modes of production and exchanges lead to contestation, in which men and women struggle for control over fixed environmental resources (e.g., the surface of land and mineral wealth), capital and labour. Political ecologists emphasize that there are no simplistic linkages between resource use, economic activity, local institutions, and development outcomes: “Struggles over resource lie at the center of struggles over power” (Peet & Watts, 2004, p. 5).

Furthermore, the institutional change model underscores that the way in which institutions are re-developed or reproduced and transformed often reflects the interests of those with more bargaining power, whereby their bargaining power derives from their resource endowment. While institutions are shaped by individual actors, acting in their own self-interests, certain actors—based on their bargaining power—are always more likely to shape the institutional framework than others. Due to different bargaining power, “institutional change usually creates both winners and losers, whereby winners have an obvious interest in promoting such changes; losers have an interest in resisting it” (Ensminger 1992, p. 166.). Winners and losers may include individual, a group, or a community.

#### 2.6.5. Distributional Effects

The distributional effects distinguish individual from collective. Individual distributive outcomes encapsulate their participation and empowerment in decision making in NRM and decision-making in the household levels. While the collective level distributional effects relate

to the entire community, which goes beyond the financial benefits that the individual might accumulate. The collective distributional effects include the losses to the entire community such as CPR degradation (water pollution, topsoil destruction, bush burning, etc.), exclusion and dispossession of certain segment of rural population. As a reaction against unequal distribution, individuals, and the collective behaviour differently.

#### 2.6.6. Social, Political, and Economic Behaviour

The approach to analyzing economic behaviour is different between economist and anthropologist. Whereas “the economist takes tastes (preferences) and institutions as constant and analyzes the effects of changing relative prices on economic behaviour, the anthropologist is more inclined to take relative prices as constant and look to changes in the ideological or institutional structure to explain changes in economic behaviour, and specifically economic distribution” (Ensminger, 1992, p. 11). Since individuals are “completely rational, perfectly informed and narrowly self-interested” (Ensminger 1992, p. 12), they will individually or collectively resist uneven distributional effects.

Considering the relationship among the various variables in the model, it is undeniable that the analytical tool is appropriate for this study because of the co-existence of the so-called customary rules and regulations and the statutory laws for the governance of land and land related resources. It will help me to illustrate how “institutional change happens on the basis of institutional pluralism and the process of institutions shopping” (Haller, 2019, p. 112). It will help me to show how institutions compete and to differentiate between collective-cum-individual level distributional effects, as well as the different resistance and adaptation strategies pursued by local resource end-users in response to unequal distributional outcomes (Figure 2). The adapted framework “is about the way that environmental identities and social or identity movements and constitutionality. Ideas of being local and defending local resources

as well as ideas of a new deal and a new way of sharing are rooted in this process” (Haller, 2019, p. 114). The model can show the types of strategies and resistance as well as institution shopping local actors adopt in order to buffer the problems of common-pool resource degradation. As noted by Haller (2019), “this is then vested in strategies to change and devise own institutions that might lead to a bricolage (Cleaver, 2003), but also to a strategic selection of options based on bargaining power and possible within institutional pluralism” (p. 114). A collective resistance against a crisis can lead to what Haller (2016) calls constitutionality, that is “the conscious bottom-up institution building process that enables all actors to participate and thus create a sense of ownership of the institution building process” (Haller, 2019, p. 115).

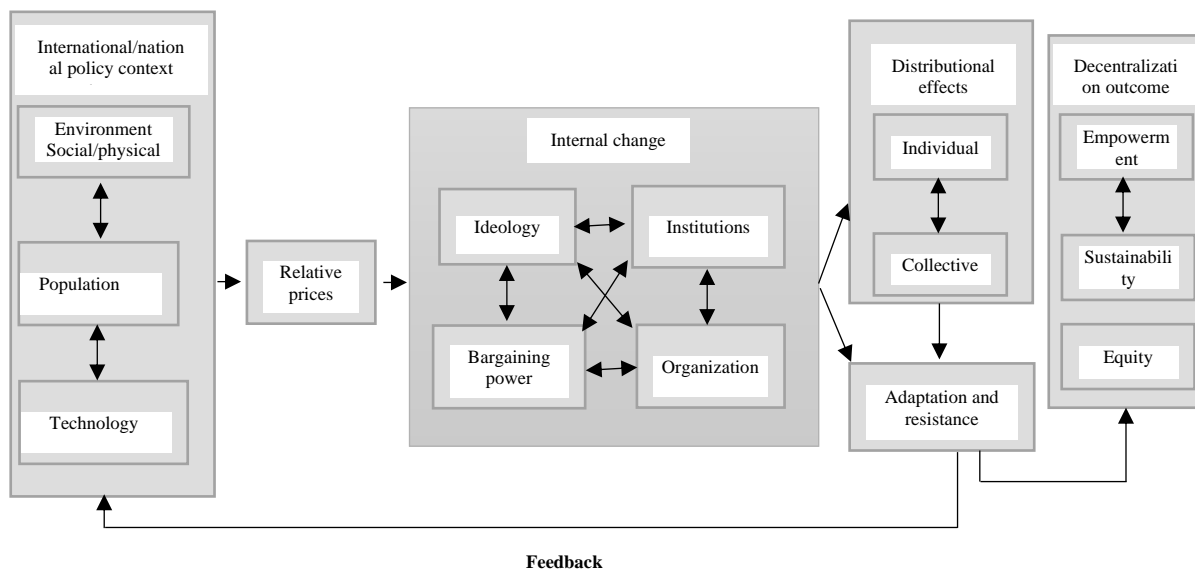


Figure 2: Modeling institutional change, distributive effects, adaptation, and resistance

Source: Adapted from Ensminger, 1992, p. 10.

In figure 3, I operationalize the concepts in the model. The operationalization of the key concepts illustrates how external factors such as environments (legal, political, economic and natural environment changes), demography (increase in people interested in an area) and technology (modern transport and communication networks, dam infrastructure, etc. – bringing an area closer to urban center) rise relative land and land related prices, which again change

the bargaining power of local actors (Haller, 2019). Thus, newcomers or outsiders get more power to use the common-pool resources while customary chiefs improve bargaining power through the rise of land and land related resource value due to privatization laws. The model also shows how actors at the regional, district and local levels select rules, their motivation or interest for such action and the consequences on distributive effects as well as the opportunity for marginalized groups or individual local resource end-users to adapt and/or resist in the context of unequal distribution. In conclusion, the analytical framework has been important in the structuring of the general running themes in the three research articles (4–6). Expanding the framework enabled the understanding of individual and collective resistance strategies as this helps to further the discourse on “everyday resistance” strategies.

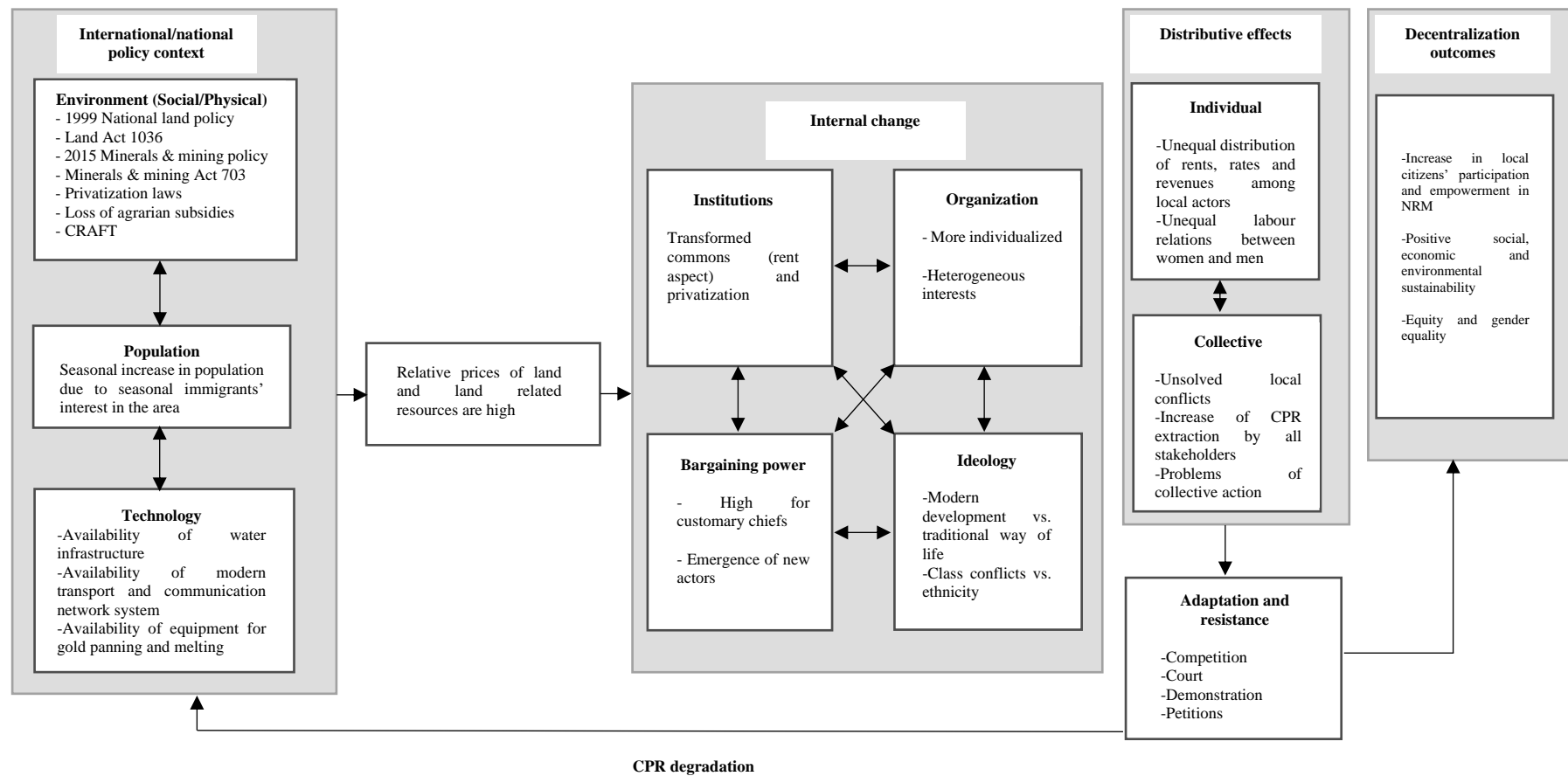


Figure 3: Operationalizing institutional change model in the context of decentralization of NRM

Source: Adapted from Adams et al., 2019, p. 50; Ensminger, 1992, p. 10; Haller, 2019, p. 111.

## 2.7. Conclusion

I have made attempts to illustrate the key concepts from the literature on institutional theory to shed light on the complexities of property rights to help fill the gap between theories and complicated evidence. I have demonstrated that the general theoretical perspectives on property rights are oversimplified, particularly those that espouse property rights as a panacea to problems of resource sustainability and poverty. I have identified power and the usual ways in which policy innovations get subverted at the implementation stage still matter, although the theories on property rights and all strands of “new”-institutionalism have implicitly or explicitly omitted. An evaluation of all the strands of institutionalism is that they are not as mutually exclusive alternatives, but instead as a way of widening the toolkit for explaining decentralization. I argue that decentralization is embedded in politics, and politics is embedded in decentralization. As such, I see the theoretical framework as relevant for assessing and elucidating natural resource management decentralization in Ghana. In particular, I adapted Ensminger’s modeling change to generate insights about how the rules of the game shape political actors’ strategies.

In subsequent chapters, particularly 4-6, I have applied relevant institutional theory to discern the relevant actors’ goals and identified the chances for and risks upon their pursuit of those goals. Building upon the relevant theoretical foundations of the new institutionalism and political ecology, I have derived a set of specific working hypotheses in these chapters. In this way, my research can respect the unique qualities of each specific situation. This then leads me to carefully gather rich ethnographic and historical materials available for each of the study sites to answer the research questions raised in section 1.5. Of course, this does not imply that I would exclude the search for literature elsewhere. In the following chapter, I demonstrate the methodology of the study.

## Chapter Three

### Methodological and Research Design Issues

#### 3.1. Introduction

My theoretical approach is designed to deal with the nuances of decentralization reforms in the context of natural resource management, while still shifting toward general conclusion that hold across the cases. Till date many publications on decentralization have depended on case studies along with little attempts to compare and integrate findings (e.g., Larson, 2003). My approach is to help move the literature forward by specifying some of the factors suitable for comparative analysis using small to mid-sized samples in northern Ghana (e.g., Ragin, 2000). Any analysis of decentralization reforms always adopts some criteria for gauging “success”. As such, my evaluation of the existing literature indicates that researchers often assess the success of decentralization efforts based on two main criteria, namely, *efficacy*, that is, the net enhancements in the quality of a resource; and *equity*, that is, the extent to which paybacks are evenly distributed across the different social strata as opposed to being concentrated among a select few. Therefore, to realize the potential of the new institutionalism in this study, I analyze the linkages between the local communities and the state in which the communities are embedded alongside these two criteria.

#### 3.2. The Historical Context of Ghana

Ghana is positioned on the west coast of Africa, which is about 750 kilometers north of the equator. It lies between latitudes 4°30′ and 11° north and longitudes 3°15′ west and 1°12′ east (Aikins, 2012). Ghana shares boundaries with Burkina Faso to the north, La Cote d’Ivoire to the west, Togo to the east and the Gulf of Guinea to the south. It is partitioned into four agro-ecological zones, namely, the coastal savannah, the high forest, transition, and northern

savannah. Each agro-ecological zones is endowed with natural resources at different levels with the high forest zone having the most endowed while the northern savannah zone has the least endowed resources. In 1471, the Portuguese were the first Europeans to arrive in Ghana and to discover gold ore (Aikins, 2012). Subsequently, in the early 19<sup>th</sup> Century, the British arrived in Ghana to trade gold ore. Following their arrival between the 15<sup>th</sup> and 19<sup>th</sup> Centuries, a power struggle ensued because of the fortunes in gold ore and ivory in the country. The Portuguese lost control of the land to Britain in 1874.

As such, the British established a bifurcated state where a Crown colony was administered directly under European laws and simultaneously appointed Commissioners to govern lower administrative units through chiefs under the “indirect-rule” system in the Northern Territories (Mamdani, 1996). The Northern Territory of the British protectorate comprised of the present day Northern, Northeast, Upper East, Upper West, and Savannah regions. The Upper region was carved out of the Northern Territory in 1960 and in 1983, the Upper region was divided into two: The eastern section was called the Upper East region and the western part called the Upper West region. Bolgatanga served as the regional capital for both former Upper region and present day Upper East region.

The British colonial government passed several land, minerals, mining, and governance laws (see Table 1). The Land and Native Rights Ordinance, for example, vested land in the Crown in England and subject disposition to the Chief Commissioners on behalf of the Governor (Berry, 2013). The British government formulated an export-based primary production policy, which influenced them to either arbitrarily or under statute concessions expropriated landholders and users (Bening, 1995). The Minerals Rights Ordinance 1904 was also passed to vest mineral rights in the British crown to regulate prospecting and mining rights in the Northern Territories (Bening, 1995). In addition, the Minerals Ordinance 1936 empowered the British Governor to prohibit unlawful mining operations in, for example, forest

and shrine enclaves, restrict possession of gold, regulate the use of mercury in gold ore mining, grant exclusive resource rights and concession to European mining firms (Bening, 1995; Ntewusu, 2015). Furthermore, they enacted the Local Government Ordinance 1951 (Cap 64) to substitute the “indirect-rule” system with a direct representation leading to the inclusion of more qualified staff who performed administrative related functions of government. Under the Town and Country Planning Ordinance 1945 (cap 84), environmental protection through proper land and mineral wealth lands were planned to minimize environmental risks (Acheampong & Ibrahim, 2016). During the colonial era (1900-1956), European foreign investors gained improved tenure security at the expense of the indigenes. Similarly, the British officials consolidated power in natural resource management relative to local elites and indigenes. Indeed, the indigenes were marginalized in resource access and use and thus, seen as losers. Within the group of losers, those who possess ideas of common land management such as the customary authorities made little gains.

On 6<sup>th</sup> March 1957, the country achieved sovereignty from the British and adopted the name Ghana. Three years later, the country became a republic and Kwame Nkrumah was elected the President of Ghana. Nkrumah’s government centralized political authority in Accra and established sectoral ministries to perform policy, decision-making, planning and plan implementation. The government continued the colonial land, minerals, and mining legislations as well as enacted additional legislations in the forms of Acts, ordinance, and decrees (see Table 1). A new Local Government Act 1961 (Act 54) annulled the representation of chiefs in local government. To erode the powers of customary chiefs in land governance, the Administration of Lands Act 1962 (Act 123) vested land in the president for, and on behalf of the people for the public interest. Simultaneously, the Minerals Act 1962 (Act 126) was passed to declare state ownership of mineral resources and the power to issue mining lease and license to prospective miners (Akabzaa et al. 2009; Hilson & Maconachie 2017). Section 3 of

Act 126 empowered the President to demand the sale of minerals produced in Ghana to a state agency at an agreed price determined by the High Court. Also, the Mining Operations Decree 1972 (NRCD 132) empowered the government to hold majority shares in all foreign mining firms with the dual aims of maximizing government revenue and protecting the employment of Ghanaians (Bansah et al. 2016; Tsikata, 1997).

Furthermore, the government established the Ghana Standard Authority, which derives power from the NRCD 173 of 1973 to perform standardization, conformity assessment, gold certification and hallmarking schemes. However, the IFAD (2005) notes that domestic certification in the global South often lack credibility and thus gold ore destined for global markets require license and certification with international standard or more specifically with global North certification agencies. In Ghana, formalization of rights in artisanal and small-scale mining (ASM) and gold certification are administered at the central government level while permits are strictly administered by different agencies with different logic and application procedures at the regional and district levels (see Table 2). These present opportunities to local public authorities to engage in rent seeking leading to corruption and impunity (Eufemia et al. 2020).

Table 1: Phases of de- and (re)centralisation and resource management since 1900

Phases	Legislations	Description	Main actors
Phase 1: 1900-1956	Lands and Native Rights Ordinance 1927 (Cap 143), Local Government Ordinance 1951 (Cap 64), Town and Country Planning Ordinance 1945 (Cap 84), Minerals Rights Ordinance 1904, Minerals Ordinance 1936, Prospecting and Digging License Regulations 1950.	Centralized planning system and implementation of land-use policies via “indirect-rule” system	Actors of the institutional arrangement: Colonial government and chiefs  Winners: Colonial government, foreign investors, chiefs Losers: <i>Tindana</i> , clan/family heads, indigenous people
Phase 2: 1957-1987	Minerals Act 1962 (Act 126), Minerals Regulations: 1962 (LI 231), 1963 (LI 253), 1970(LI 665). Explosives Regulations 1970, Mining Operations (Government Participation) Decree 1972 (NRCD 132), Environmental Protection Council Decree 1974 (NRCD 239), Local Government Ordinance (Amendment) 1959, New Local Government Act 1961 (Act 54), Administration of Lands Act 1962 (Act 123), Minerals and Mining Law 1986 (PNDC L 153), Minerals (Royalties) Regulations 1987.	The independent state continued colonial land, minerals and mining legislations	Actors of the institutional arrangement: Central government  Winners: Central government, large companies, small capitalist farmers Losers: Chiefs, clan/family heads, small-scale farmers, indigenous people
Phase 3: 1988 onwards	Local Government Law 1988 (PNDCL 207), 1992 Constitution, Local Government Act 1993 (Act 462), Office of Administrator of Stool Land Act 1994 (Act 481), National Development Planning System Act 1994 (Act 480), Land Act 2020 (Act 1036), The Lands Commission Act 2008 (Act 767), Land Use and Spatial Planning Act 2016 (Act 925), Precious Minerals Marketing Corporation 1989 (PNDCL 219), Small-Scale Gold Mining 1989 (PNDCL 218), Mercury law (PNDCL 217), Mining and Environmental Guidelines 1994, Environmental Assessment Regulations 1999 (LI 1652), Minerals and Mining Act 2006 (Act 703), Minerals and Mining (Amendment) Act 2015 (Act 900), Regulations 2012: Minerals and Mining (Support Services) (LI 2174), Minerals and Mining (Compensation & Resettlement) (LI 2175), Minerals and Mining (Licensing) (LI 2176), Minerals and Mining (Explosives) (LI 2177), Minerals and Mining (Health, Safety and Technical) (LI 2182).	Decentralize government to enhance local participation in natural resource management including, land title registration.	Actors of the institutional arrangement: Regional Lands Commission, Municipal/district land sector agencies and Customary Land Secretariat  Winners: Chiefs, central, municipal and district government Losers: Clan/family landowners, small-scale farm owners, indigenous people

Source: Act 703 and Act 1036

Table 2: Functions of central, regional, and local level agencies in NRM

<b>Agencies</b>	<b>Functions</b>
Environmental Protection Agency	<ul style="list-style-type: none"> <li>▪ Enforces environmental regulations</li> <li>▪ Conducts environmental impact assessment before granting environmental permit to miners to undertake mineral operations</li> </ul>
Forestry Commission	<ul style="list-style-type: none"> <li>▪ Ensures sustainable mining practice in reserved areas is in accordance with Section 18(2) Act 703</li> </ul>
Ghana Geological Survey Authority	<ul style="list-style-type: none"> <li>▪ Grants permit for non-commercial quantities of minerals, rocks, and soil samples for laboratory analysis</li> <li>▪ Provides geology data for small-scale miners</li> </ul>
Ghana Standard Authority	<ul style="list-style-type: none"> <li>▪ Responsible for standardization, conformity assessment, gold certification and hallmarking schemes.</li> </ul>
Ghana Chamber of Mines	<ul style="list-style-type: none"> <li>▪ Promotes mining interest of mine associations/union</li> <li>▪ Help to review mining legislation and policies of government</li> </ul>
Lands Commission	<ul style="list-style-type: none"> <li>▪ Demarcates, map, and certify land boundaries</li> <li>▪ Grants land title</li> <li>▪ Determines compensation to people affected by mining operations</li> </ul>
Metropolitan/Municipal/District Assemblies	<ul style="list-style-type: none"> <li>▪ Responsible for district level planning, social and economic development</li> <li>▪ Endorse or object application for mineral rights</li> <li>▪ Grant permit for building installations at mining sites</li> </ul>
Minerals Commission	<ul style="list-style-type: none"> <li>▪ Regulates and manages the utilization of mineral resources</li> <li>▪ Coordinates mining related policies</li> </ul>
Ministry of Land and Natural Resources	<ul style="list-style-type: none"> <li>▪ Responsible for policy formulation on matters relating to minerals</li> <li>▪ Grants mineral exploration and mining lease/license</li> </ul>
Office of Administrator of Stool Land	<ul style="list-style-type: none"> <li>▪ Responsible for collecting annual ground rent in respect of mineral rights</li> </ul>
Precious Minerals Marketing Company	<ul style="list-style-type: none"> <li>▪ Provides marketing channels for gold and diamond trade</li> <li>▪ Promotes the development of precious minerals and jewelry industries</li> </ul>
Water Resource Commission	<ul style="list-style-type: none"> <li>▪ Grants miners permits to obtain, divert, impound, and use water for mining activities in line with Section 17 Act, 703</li> </ul>

Too much centralization is perceived as a problem, which needs to be solved through a target public action, such as decentralization. Figure 4 shows the different layers of formal regulation impacting land and land related resource management practices. It illustrates that national public policies created by national executives protect national public interests. The national land policy, which was developed in 1999 contains all the elements relative to programming and implementation of the different protection policies that affect land and land

related resource management. At the national level of policy formulation, the National Development Planning Commission (NDPC) is mandated to prepare medium-term national policy frameworks (Acheampong & Ibrahim, 2016; Awortwi, 2011). Simultaneously, all the 16 regions and 261 MMDAs in Ghana are expected to formulate local policies to protect local public interests. Together with their mandate, the MMDAs implement central government policies. Below the MMDAs are Sub-metros, Urban/Zonal/Area Councils, and Unit Committees who perform local plan preparation and mobilization of community members to maintain local public infrastructure (Acheampong & Ibrahim, 2016; Ayee, 1996). The Unit Committees have pre-emption rights of resource over exploitation without the prior consent of the national and MMDAs (Awortwi 2011; Ayee 2008). An assembly member represents the communities at the MMDAs and is downwardly accountable to the local citizens. The local communities are headed by customary authorities who are custodian of local resources. They enact customary law to protect clan interest (see Figure 4). The fact that customary authorities are trustees of local resources grant them representation in the MMDAs and the Regional Lands Commission (RLC). However, there is power struggle between non-democratic customary chiefs and democratic assembly members over who has authority over local citizens and by extension local resources.

An assessment of Ghana's decentralization structure shows that a balanced mix of formal and informal rules occur because regional elites and local citizens customarily acknowledge the formal national rules, for example, formal property titles, which protect private interests. However, conflict over rules endures because of the unique history of the different administrative regions and the slow pace of institutional development (Aikins, 2012). The institutionalism of informal rules requires adaptation and flexibility of the formal rules by both customary chiefs and national leadership (ibid). In the next section, I briefly describe the unique qualities of the case study districts

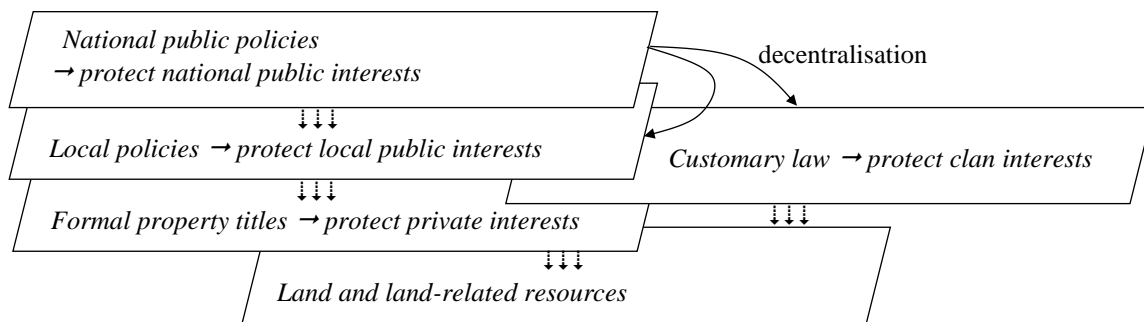


Figure 4: The different layers of formal regulation impacting land and land related resource management practices.

### 3.2.1. The *Bole* District

Bole is one of the administrative districts in the Savannah region. It shares boundaries to the north with the Sawla-Tuna-Kalba district, to the west with the Republic of Cote D’ivoire with the Black Volta River being the boundary between the two neighbouring countries, to the east with the West Gonja Municipal, and to the south with the Wenchi and Kintampo North municipals. The Bole district covers an area of about 4800 square kilometer (Ntewusu, 2015). It has an estimated population of about 75,151 with a sparse density of 14 people per a kilometer. The district capital is Bole and is endowed with so many natural resources. Some of the European mining businesses were centered in mining communities of Bole, including *Dokrupe, Maluwe, Tinga, Tasilma, Mandari* and *Banda-Nkwanta*.

Traditionally, the women were responsible for the majority of the household roles including care of the home, providing laundry services, and preparing household meals. Children support the activities of the household by running errands. Men do not generally participate in household roles, but in predominantly rural communities, they perform heavy tasks such as plough the land for crops. These complementary roles ensure that there are people to carry out all the necessary roles for a functioning household. The differences in gender roles and control of household resources shape the allocation and distribution of resource. For

instance, male family members become inheritors of family assets, make major decisions for the household and exercise control over family assets. These practices are also apparent in the gold mining industry.

In view of the separation in gender roles, traditional household roles keep women close to their homes and encourage them to perform home-based economic activities. To supplement household income, most women are self-employed and engaged in small-scale businesses such as trading. Women's capacity to earn income is important in societies where they have a commitment to contribute to lineage shared expenses such as funeral performance.

### 3.2.2. The *Talensi* District

The *Talensi* district is one of the thirteen districts in the Upper East region. It covers a total land area of 838.4 square kilometers with 81,194 inhabitants made up of 40,841 (50.3%) male and 40,353 (49.7%) females, constituting about 7.8 percent of the total population of the Upper East region. The *Talensi* district was carved out from the then *Talensi-Nabdam* district in 2012. The district derives its functions from Act 462 and the LI 1220 (2012). The district capital is Tongu, which hosts the *Talensi* district assembly office complex. The vision statement of the *Talensi* district assembly is captured as “a district where all resources are harnessed and sustainably managed in collaboration with all partners to ensure food security, equitable access to health and education, gainful employment, peace and security for a high standard of living for its people”. Its mission statement is that “the district assembly exists to ensure the sustainable improvement in the quality of life and capabilities of its people by providing equitable, efficient, and quality socio-economic facilities and other services in collaboration with the private sector and other stakeholders by mobilizing all available resources in a cost effective and transparent manner”.

The district hosts the tomato-canning factory at Pwalugu, although the factory is currently not functioning. The district has two main extractive industries— stone quarrying and gold mining, which constitute new forms of paid employment for most of the unemployed youth and women. The quarry produces cut rocks for export and has a small workforce (Ghana Statistical Service, 2012). The mining industry parallels the social organization of the *Talensi* society, which results in women’s disproportionate access to resources. Even though gender division in labour may promote efficiency in production, in the *Talensi* mines, the restrictions on women’s labour to engage in jobs other than those designated to them adversely influence their opportunities. The mining communities are located to the east of the district, about ten kilometers from Tongo. Together the four main mining communities do not have clear boundaries with one main road running through them. They cover a total area of about five square kilometers.

The formation of the mining communities began in the early 1970s when the government of Ghana demarcated 72 square kilometers of land in the *Talensi* area for small-scale gold ore mining. However, community building began in the mid-1980s. With the discovery of gold, natives of *Talensi* who worked in southern Ghana mines, mostly men, returned to *Talensi* district to work. The population of small-scale mining communities fluctuates rapidly because miners move between mining communities in and out in search of active production work. The *Talensi* people call the mining communities *laperiga* (rush to obtain), which is an expression linked to the gold rush (Renne, 2015). However, the commonly used name for the area is bush because prior to gold mining, the area had relatively fertile soil and served as reserve farmland. When the production of gold began, the government stopped the farmers from growing crops on the land and demarcated the land for mining, although a few people still farm on the fringes of the demarcated land for mining. The *Talensi* district falls within the Guinea Savannah zone with infrequent rainfall (Benneh et al., 1990), which worsens the situation of female farmers

because the mines are located on the stretch of land that has a stream running through it and is regarded as one of the best places for farming prior to mining.

The *Talensi* society comprised of two main groups, namely the *Tale* who are the first-comers or the original inhabitants and the *Namoo* group who are migrants. The people trace their origin to the Mamprugu society in the North-East Region. The *Tale* group provides the *tindanas* (landlords) who are responsible for the purification of the land and division of the land for lineage farms (Rattary & Westermann, 1932). They also control access to the ancestor deity (*Tongnaab*), whose fame in spiritual powers extends into the whole of Ghana and beyond. The division of functions between the *Tale* and *Namoo* groups is based on migration and the social functions of the groups. The functions in the social organization of the *Talensi* society translates to the distinction between landlords and migrants. There are two main dialectic communities, namely the *Taleni* and *Guruni* speaking communities. The communities give so much reverence to their custom, norms, values, and taboos.

The non-centralized *Talensi* systems continued until the colonial period. The colonial administration's formation of centralized Native Authority built up on federal principles integrated the different groups for a centralized political administration (Fortes, 1949). The British government instituted "indirect-rule", a system of government in which the British administrators rules through chiefs and other forms of local authority in Ghana and in many other parts of Sub-Saharan Africa. The implementation of indirect rule in and around *Talensi* led to the consolidation of power in the chiefs rather than the *tindanas*, which contribute to create conflict between them. Generally, the land area is not schemed leading to physical structures being carried out haphazardly.

### 3.3. Research Design and Strategy

A research design based on non-numerical narratives was adopted for the study (Mason, 2002). The study adopted the actor-centered power-aware approach to illuminate the recursive nature of agency and structure in shaping outcomes differently for individuals. The actor-centered power-aware approach as a strategy in this research was to provide a wider framework for understanding the choices that individuals make and the reasons for such actions, which are often related to the specificity of context and the dynamics of social life (Long, 1992). This study draws on an actor-centered power-aware approach because it goes beyond the arguments of those romanticizing decentralization and those who see decentralization as a technical issue. The actor-centered power-aware approach considers the social actor as a “knowing, active subject, who is aware of his/her own situation and possess knowledge about and an interpretation of the surrounding society and his or her own and other places and possibilities in it” (Jeppesen, 1998). The starting point to such a conceptualization is that social actors are knowledgeable and capable. It accepts the heterogeneous nature of the community and the role of social relations in facilitating the outcomes of human strategic action. The actor-centered power-aware approach prioritizes those ideas and motivations that enable political actors to pursue their strategies to achieve the intended objectives.

The assumption underlying the approach is that actors involved themselves and react to local NRM reforms at the community level based on both the information they have available and other factors that are inherently contingent on sociocultural context, the changes in power that would result and the impact it would have on their goals (Jeppesen, 1998). Focusing on how people responded to an intervention provides insights into the dynamics of the decision-making spaces, the various actors who shaped NRM and the motivations that shaped peoples’ decision to intervene or not in certain situations. The utility of the actor-centered power-aware approach is that it positions the researcher to inquire into how far certain specific kinds of

knowledge are shaped by the social relations in which they are embedded. It also provides the researcher the platform to investigate the differential abilities of different actors to respond to “similar structural circumstances, even if the conditions appear relatively homogenous” (Long, 1992, p. 20). The possibility of external intervention leading to both intended and unintended outcomes implies that different groups or individual actors will understand the intervention quite differently. An actor-centered power-aware approach places emphasis on the interests, characteristics, and actions of different types of actors in each context.

The appeal of the actor-centered power-aware approach to this study lies in its recognition of the diversity of actions and individuality. Since my intention is to understand the practice of decentralization of NRM from a “bottom-up” perspective, the actor-centered power-aware approach seeks to offer insights into social actors’ everyday life experiences especially the “emergent forms of interaction, procedures, and strategies that evolve” between heterogeneous local actors with varying degrees of interest (Long, 1992, p. 25). It provides the researcher with diverse explanations of how things are done and the reasons for doing so. Such explanations, some of which may seem “illogical” bring deeper insights into the certain occurrences that the study seeks to understand.

Epistemologically the actor-oriented approach embraces the existence of “multiple social realities, that is, the coexistence of different understandings and interpretations of experience” (Long, 2001, p. 4). Within this epistemological standpoint, knowledge is not simple out there to be discovered but “involved ways of construing and ordering the world” (Long, 2001, p. 4). The approach calls for a methodology that applies ethnographic methods to understand the reality of interventions especially, the “processes by which images, identities and social practices are negotiated, contested, and sometimes rejected by the various social actors involved” (Long, 2001, p. 48).

### 3.4. Field Work Duration

The field work activities covered 9 months. I made a reconnaissance field visit to the communities from February to May 2019. My goal was to identify community gatekeepers, powerful actors marginalized and vulnerable groups including women and youth. In my first visit, I stayed in the community “guest house” next to Chinese and India nationals who had come to trade in gold ore and endangered timber species (e.g., rosewood) with local agents. I observed their trade activities and how they colluded with both traditional and state authorities to ship the illegally acquired resources to Asia. While in the guest house, some community members walked to me and persuaded me to do gold ore and rosewood business with them. I declined but this never stopped the readiness of the community members to offer me information when requested. I returned to Switzerland to organize and analyze the data.

Subsequently, from mid-December 2019 to mid-January 2020, I visited two communities for the second time to observe if changes in community leadership and NRM had transpired. During this visit, I did not stay in the community “guest house” but stayed with a friend who volunteered one of his bedrooms to me. At this point, I felt the sense of belonging. Many of the changes that had occurred were chronicled to me including the changes made in Assembly members in *Datuku*, *Dokrupe*, and *Tinga*. I was also informed of the assassination of a chief in *Tinga*. I obtained additional data to complement the previous data gathered.

Finally, I returned to the communities for the third time from November 2020 to February 2021, which brought me closer to community members. The social changes connected to monetary inflows from NRM (e.g., participation in artisanal mining, paid jobs, etc.) and the appropriate behaviour expected of women and youth were brought to bear. The trust built over the period due to prolonged field visits enabled me to gather vital data about changes in the communities. Table 3 presents the sample size used for the study.

Table 3: Sample size: Interviews and FGDs

Category of respondents	Central government		Regional government		Local government		
	Accra	Savannah*	Upper East	Bole district		Talensi district	
	Interviews	Interviews	Interviews	Interview	FGD	Interview	FGD
Government officials	7	4	4	10	-	6	-
Member of Parliament	-	-	-	1	-	-	-
CSOs	2	-	-	1	-	3	-
Land survey firms	-	1	1	-	-	-	-
CLS	-	-	-	2	-	-	-
Shaanxi mining company	-	-	-	-	-	2	-
Movement of Gbani People for Justice	-	-	-	-	-	2	8
Land management & gold committee	-	-	-	1	7	-	-
Customary authorities	-	-	-	8	-	5	-
Community members:	-	-	-		43		36
Men				17		16	
Women				14		13	
Youth				6		6	

Source: Author's construct (2021)

\* Most of the interviews were conducted in Northern region prior to the creation of the Savannah region.

### 3.5. Gaining Access to The Selected Communities

The study was designed with the view that getting the support of gatekeepers was very important in gaining full access to the natural settings in which ethnographic data was to be collected. For this study, I used gatekeepers to direct me to places, events, or people likely to be helpful to the progress of my investigation (Bryman, 2004). In both districts, I established contacts with the District Chief Executives (mayors) who introduced me to senior officials of the District Assemblies, the customary chiefs, and the Assemblymembers of the selected communities. I introduced myself and briefed them on the intentions of the study. They developed interest to know about the outcome of the study for the district assemblies medium term planning. I obtained an introductory letter to be given to my target respondents in the study communities. This was aimed at facilitating my access and the research in the communities. However, I decided not to use the letter from the mayors to gain access to the communities as this had the potential to lead to unintended outcomes such as linking me to the ruling party.

Instead, I used the introductory letter of my main supervisor and a Ghanaian supervisor. I strategically chose to use the introductory letter of my Ghanaian supervisor because of his working relationship with the chosen communities and the ministries. The Ghanaian supervisor was a former head of the Earth Science Department at the University of Ghana, Legon and a former Chief Director at the Ministry of Energy.

On arrival in the communities, initial enquiries were made about leadership of the community. Customarily, the existing local norms in the local communities require that all visitors should seek access to the community through the traditional leadership of the areas. As a result, I contacted the Assembly members to lead me to the traditional authorities. I interacted with the traditional authorities (chiefs, *tindanas*, queen mothers, etc.) where I spelt out the purpose of my research. I was told to hold on with my research until they performed

background checks about me and the authenticity of the introductory letters. After, three days, they invited and informed me to go ahead with my research and assured me of their support. Subsequently, I began to develop acquaintance and build trust with community members. To my surprise, community members started to share their opinions of NRM and community affairs with me even without the clue of what I came to research. This enabled me to pre-test and modify my interview guides. As time went on, I became embedded into rural community life and often hang out in the afternoon and evening with some of the community members at drinking spots to play ludo and watch foreign football matches with them. I did enter the life world of the community social actors to understand the local community realities especially on issues bothering governance and individual actions. My stay in the communities for a longer period made it possible for me to interact more frequently and freely with people. Continuous stay in the communities enhanced the nature and quality of interactions especially when we hung out in evening or weekend. This strategy helped me to have easy access and more time to converse with my informants in the evening after they had returned from the mine or farm. This made it possible to be privy to some unofficial information that slipped out during conversations.

### 3.6. Using Ethnographic Approach to Generate Data

I adopted an ethnographic approach to data collection to understand the reality of decentralization of NRM (Brewer, 2000; Mason, 2002). Ethnographic studies focus on the production and reproduction of everyday life by often “othered” people, revealing meaning, social structure, power relations, and history (Lather, 2001, p. 481). The application of the ethnographic approach is because it enables the researcher to understand social realities by “investigating into the practices and conceptions of the actors concerned, the interplay of the pragmatic and cognitive relationships and the structural and institutional context in which all

this occur” (Oliver de Saardan, 2005, p. 3). It also overcomes the dichotomies between bureaucratic and socially embedded institutions by enabling the researcher to gather data from all sites in which interactions occur rather than dwell on pre-determined sites (Webster & Engberg-Pedersen, 2002).

Since this study adopted an actor-oriented approach, which sees “meanings, values and interpretations as culturally constructed” (Long, 2001, p. 50), the data collection exercise used participant observation, focus group discussions, in-depth interviews, and expert interviews to ensure data triangulation. The purpose of triangulation in ethnographic research is to enable the researcher to use two or more comparable processes within the research process to enhance the comprehensiveness of data to be able to contextualize the interpretations and to explore a variety of similar and dissimilar viewpoints. Triangulation was used in this research to observe as many parts of the social setting, and as many persons and roles, as possible by using different methods of data gathering and analysis. The use of multiple methods of data collection enabled me to operate within and across research strategies using different data sources to corroborate each other and respond to the research question for the study (Mason, 2002).

Ethnographic approach provided firsthand experience through observation and conversation to understand how local actors participated in NRM that are transplanted in the community because of decentralization of NRM. Drawing on ethnographic approach to data collection, I sought to bring out the meanings that social actors gave to participation, the motivations for their actions and their experiences about decentralized NRM. Local actors’ ability to shape decision making processes and the resources needed to access and participate in the decision-making processes were examined. The interactions that occurred in the field between the community members and the researcher were meant to understand the actions of people and the motivations that shaped their actions. I also sought to find out the institutional mechanisms or channels that mediated the diverse interactions that occurred at the community

level. Questions related to who did what in the community, and in relationship with whom were asked to enable me to get deeper insights into who the key social actors in the management of resources and communities public affairs were. Living in the community, observing interactions among diverse social actors in the management of the communities' affairs, traveling back and forth and constantly being in touch with them through mobile phone conversation provided me the platform to understand the different ways in which people in authority exercised or legitimated their power.

### 3.6.1. Observation

I adopted an observation technique because the ontological perspective of this study sees “interaction, action and the behavior of social actors as very central to this study (Mason, 2002, p. 85). According to Mason (2002) “observation allows the generation of multidimensional data on social interaction in specific contexts as it occurs rather than relying on people’s retrospective accounts, and on their ability to verbalize and reconstruct a version of interaction or settings” (p. 87). Through observation, I gathered data from the various setting in which actors interreacted to deliberate on communal issues. Observing interactions among diverse actors at its natural sites enabled me to have useful insights and meaning of how social relations, cultural norms and economic factors shaped how people socialized, associated, and participated in public spaces of deliberation, which were found not to be so different from interaction occurring in other spaces at the everyday level. Through observation of communal labour, I managed to gather detailed information on the practice of communal labour, the rules that shaped the practice, how these rules were made and the socially embedded principles shaping the actors of community members within the context of communal labour.

During the period of fieldwork, I observed at least one public meeting in each community. I focused on understanding the nature of the interactions and the actions of

participants in public deliberations, especially the motivations for their actions in their encounters within these meetings. The nature of participation and the rules that shaped interactions within these settings were of particular importance during the observation process. Within the community committees and public meetings, observations were mainly focused on the power dynamics operating within these spaces and how it shaped the decision-making process for different located individuals. I also took note of the rules, norms and practices that shaped the negotiation, accommodation and struggles taking place within these committees at the community level.

These observations enabled me to place an emphasis on understanding the behaviour of members during meetings, how decisions were arrived at, who shaped the outcomes of decisions and the power dynamics within these spaces. Observation enabled me to have deeper insights on how community committees overlapped in the performance of their functions within the community. It also revealed the characteristics of individuals who had formal positions on these committees. During the observation of the first community meeting in *Tinga* for example, the chief who presided over the meeting tried to make the meeting as participatory as possible, but the participatory rhythms and attendance waned during subsequent community meetings. The attendance for the first meeting I observed was very high because community members had been informed that there was a visitor (that is, the researcher) who will be attending the meeting. Further stay in the communities revealed poor attendance at public community meetings.

During my observations of interactions in the communities, the issues that were of interest to the study and the gaps that needed follow up were written down in my research diary. I also noted down my impression of the nature and the dynamics of interaction in the community meetings. I placed much attention on the local norms and the differential ability of participants to share the interactions occurring within these spaces.

### 3.6.2. In-depth interviews

The in-depth interview technique for data collection was applied for this study. Such an approach to data collection involves gathering accounts of local actors by means of in-depth interviews in the form of conversations which allowed them to describe their experiences as they saw them. Using the “conversational” approach of interviewing allows respondents the freedom to also comment or give insights into other issues that may not come up during the interview process. The utility of the in-depth interview is manifested in the “considerable latitude” in gathering information from various individuals with diverse social, cultural, economic, and political backgrounds (Bryman, 1988, p. 46).

The themes and issues of interest for the study were not fixed but were established to guide the interviewing process. Mason (2002) notes that “most qualitative research operates from the perspective that knowledge is situated and contextual, and therefore the job of the interview is to ensure that the relevant contexts are brought into focus so that situated knowledge can be produced”.

Using this technique for the study allowed for the exploration of people’s action and strategies to gain useful insights into the negotiations, struggles and contestations occurring in rural community NRM. Specifically, the in-depth interview technique enabled me to interact with respondents to find out their role in the community committees and the extent to which the new decentralized NRM institutions shaped the nature of their participation. Key issues important to the study were picked up during conversations and used to further explore their views in relation to their ability to access new institutional spaces, exercising voice in the decision-making processes and demanding accountability through their participation in community governance. The conversation with community actors provided the platform to have deep insights into the communities’ governance process such as the rules used in the community, how these rules were made, who participate in the rule making and how these rules

were enforced, and how sanctions are undertaken. For most of my respondents, I had to revisit them for further interactions to fill in some gaps which were not well captured during the previous conversation.

Community members were normally engaged in casual interactions to acquire an in-depth understanding of rural community power relations. Such informal conversations proved very useful in understanding the interactions among diverse community members and how social relationships mediated individual access to resources and other positions within the communities. It also provided insights into historical experiences, motivations, values, and norms shaping community interactions.

I also engage people from diverse backgrounds, including those from poor and well to do households, old and young, married and unmarried, educated and uneducated, settlers and indigenes in informal conversation to find out the nature of their participation in NRM. The elected and appointed community committee members, traditional council representatives and other powerful individuals within the communities were interviewed to unearth the dynamics of the institutionalized spaces, how power permeates such spaces and to understand how formal and informal institutions interact and shape NRM. This was to enable me to understand the selection process and their mode of engagement for these diverse group of individuals.

### 3.6.3. Life history approach

The life history method was also used in this research to trace the changes or otherwise that have occurred in the life history of social actors. The life history approach is a form of unstructured interview that allows the respondents to reflect on their life history, highlighting the changes and processes that shaped their experiences (Bryman, 1988, p. 49). Using the life history approach was effective in getting information from respondents because it allowed me as the researcher to structure the narrative to suit the interest of the research. For example, it

enabled me to gather information on diverse and mixed range of motivations from respondents for participating in numerous community activities. It also gave ideas on their efforts and endeavours to get things done in the communities. This approach was very useful in understanding how and why some social actors were able to acquire allocative and authoritative resources to become very influential members of the community. The interviews produced narratives that provided useful insights into social actors' subjective values or dispositions that are acquired socially or culturally over time.

#### 3.6.4. Focus group discussion

The study sought to understand female respondents' participation in local governance, particularly in NRM and how they were able to shape interactions around community public affairs. The FGD was used in this study to gather the views of female and male respondents. During the early stages of the data collection process, it was difficult to get female narratives within a setting in which there was no influence from their husbands or other male members of the family. Some of these women during interactions muted or distorted their experiences about participation in community NRM. Bringing all the women together resulted in the gathering of their actual experiences about participation in decentralized NRM. How women shaped and were shaped by the social relations in which they were embedded was discussed during the FGD process. The FGD was also used to gather the experiences of traditional leaders and other community committees during the study. The FGD provided an arena to get all members of the traditional council in the various communities to discuss issues related to NRM and local governance.

However, the FGD had its own limitations as certain members within the various group tried to hijack the interactions that took place. This occurrence was shaped by power relations, but I tried to manage the discussions that took place often calling on people who were often

mute to express their views. This was very pertinent in the traditional council group discussions. Within the female groups, the respondent looked up to certain individuals among them to talk on their behalf. Table 4 summarized the data required, variables and indicators.

### 3.7. Secondary Data Sources

Secondary data refers to the systematic description, analysis and summarization of the existing research or previously completed studies and applying the result to own situations. My review of secondary data sources (whether published or not published) depended on its capacity (in terms of relevance) to provide critical analysis of property formation process. The secondary data were obtained through reviewing existing documents regarding property formation, land-use planning, participation and tenure security situation in informal settlements, mining and decentralized NRM. Apart from internet search, I collected documents from the central government ministries, departments and agencies, the district assemblies and civil society organization. I gleaned each district assembly's byelaws and development plans.

The main constraint encountered was that the available documents from the district assemblies were often limited to technical descriptions with little narratives especially documents that had to do with the provision of services and tangible structures. This limited the reliance on secondary data in responding to the question raised in this study.

### 3.8. Data Recording and Analysis

Data collection was integrated with data analysis, allowing me to check out patterns and the research question as they emerged and redefined data collection strategies as necessary (Miles & Huberman, 1994). Precisely, key words, themes and relationships were identified to order the data into categories. Before setting off for fieldwork for this study, the plan for analyzing the data generated was to use a computerized assisted software programme. However, when

the process of data generation began, I observed that the data emerging from the narratives of the respondents were bulky and complex because I allowed the respondents to raise issues and topics which they felt were relevant and needed to be heard. This did not mean that my research became poorly focused and ineffective but giving the respondents the flexibility to talk about other community issues was a strategy to get in-depth information from my respondents and build attachment with the community members.

Therefore, the initial plan to use a computerized software programme was abandoned for a manual process. During the data collection, a matrix was developed in which the various words and themes coming out from the data were placed into categories resulting in a spreadsheet that brought order to the messy, complex, and bulky data. This process was done every day in the evenings after collecting data to draw out the relationship, meanings, and ideas from the data. The process of ongoing data analysis during the fieldwork revealed the gaps in some of the responses and aided in preparing for follow-up interviews.

The analysis of data for this study was a difficult, complex, and time-consuming endeavour. The data analysis began with the first set of conversation and field notes gathered in the field. This made the data analysis an ongoing project within the fieldwork (Glaser, 2005). Considerable effort was made to integrate observations, informal conversations, and field notes to give order and themes to the emerging data (Table 4). Field notes constitute a representation of observed events, persons, places, and written accounts of interactions that have been condensed and preserved to offer insights and meanings to the researcher time and time again (Mason, 2002). At the end of the data collection activity, I read over the field notes to keep abreast with the ideas that transpired during the day and to identify gaps and respondent(s) that needed revisit.



<p>Research question (Q2)</p> <p>How is it to be explained that, paradoxically, the decentralization of the formalization of rights in artisanal and small-scale mining (ASM) has promoted informal ASM leading to a negative impact on social, economic, and environmental sustainability?</p>	<p>-Evolution and rationale of formalization of rights in ASM</p> <p>-History of mineral resource governance</p> <p>-Evolving institutional arrangement</p> <p>-Challenges of regulations</p> <p>-Impact of formalization of rights in ASM</p>	<p>-Positive and negative effects of formalization of rights in ASM on social, economic, and environmental sustainability</p>	<p>6 expert interviews</p>	<p>-Senior government officials in (the Ministry of Lands and Natural Resources, Geological Survey Authority, The Minerals Commission and the Precious Minerals Marketing Corporation),</p> <p>-District Chief Executives,</p> <p>-Department of Agriculture,</p> <p>-Administrative heads of the DAs,</p> <p>-Community Water and Sanitation Agency</p>	<p>-Purposive sampling</p> <p>-Snowball sampling</p>	<p>Reclassified sustainability issues into social, economic and environmental dimensions. Presented narratives, life stories and interpretations</p>
	<p>-Narratives of claims of above- and underground resources, license and permit acquisition</p> <p>-Community decision-making and rule negotiation: who makes final decisions,</p>	<p>-Number of license and concession holders</p> <p>-Formal and informal downward accountability</p>	<p>24 Semi-structured interviews</p>	<p>4 Customary chiefs,</p> <p>2 gold committees</p> <p>4 Community leaders</p> <p>8 unlicensed local resource users</p>		

<p>interprets the rules and with what resources</p> <p>-Strategies developed by local resource users for and against informal ASM</p> <p>-Community leaders' accountability</p>	<p>-Formal and informal downward accountability</p>	<p>3 licensed local resource users including Shaanxi company</p>
<p>-Access to small-scale gold license</p> <p>-Consequences of formalization initiatives on local resource users</p> <p>-Which types of resource are overexploited</p>	<p>Type of marginal resources overexploited</p>	<p>Questionnaires</p> <p>50 household heads for settlers and indigenes</p>
<p>-Practices, perceptions, and pitfalls in the implementation of ASM licensing</p> <p>-Access to surface land rights and concessions</p> <p>-Local counterclaims and construction of resistance identities</p>	<p>Number of concessions</p> <p>List of resistance identities</p> <p>Types of counterclaims</p>	<p>4 FGDs with a total of 55 participants</p> <p>23 Settlers 20 Indigenes 12 Youths</p>
<p>Daily human interactions, actions, and behaviour in relation to the physical environment and material objects (gold ore, rocks, etc.)</p>	<p>Number of mine and processing sites visited</p> <p>Number of unlicensed and licensed gold trading shops</p>	<p>Observations</p> <p>All 4 communities</p>

<p>Research question 3 (Q3)</p> <p>How do intersectional gendered power relations in mining communities of Ghana impact on women's access to power and ability to transform patriarchal social structures?</p>	<p>-Gender roles, agency and empowerment</p> <p>-Use of money earned from artisanal mining (buying kitchen tools/equipment), starting a business, marrying, etc.</p> <p>-Discourses and metaphors structuring gold ore in pre-colonial, colonial, and post-colonial periods</p> <p>-Gendered institutions (e.g., taboos)</p> <p>Women's collective actions to bring about change in the communities</p>	<p>-Changes in gender roles</p> <p>-Type of investment of money earned from artisanal mining</p> <p>Examples of gendered institutions, discourses, and metaphors</p> <p>-Role changes</p> <p>-Direct or indirect changes in societal norms</p> <p>-Number of collective actions carried out</p>	<p>Biographic interview</p> <p>5 Expert interviews</p> <p>8 FGDs with participants working in different tasks including diggers, transporters, diggers, caterers, etc.</p>	<p>32 women</p> <p>26 men</p> <p>2 children below 17 years</p> <p>-8 customary authorities</p> <p>-1 Member of Parliament</p> <p>-4 senior officials of 4 Civil Society Organizations</p> <p>-Mixed-gender groups</p> <p>Men only</p> <p>Women only</p>	<p>-Purposive sampling</p> <p>-Snowball sampling</p> <p>-Quota sampling</p>	<p>Descriptive presentation of data on impact of artisanal mining on women's ability to renegotiate gender roles and power relations</p>
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Source: Author's construct, 2021.

### 3.9. Reflections on My Position as A Researcher

In qualitative research, the positionality of the researcher in respect of the researched can significantly influence the research process, data collection and analysis. Malterud (2001) writes that a researcher's background and position will affect what he or she chooses to investigate, the angle of investigation, the methods judged most adequate for the purpose, the findings considered most appropriate, and the framing and communication of conclusions. In this study, my position as an advocate shaped the data collection in certain ways. In the communities studied, I was both an "insider" and an "outsider" simultaneously with both positions changing with different settings and social actors that I came across.

The general binary implied in the "insider – outsider" debates is that it is less than real because it seeks to assume that being an "insider" or "outsider" is a fixed attribute. Also, given that the data collection process is about constructing social meaning in many ways, such a dualism is meaningless in practice. To illustrate this point on my positionality in relation to categories of informants are briefly recounted as follows.

At some point in the community, I did find myself being an "outsider", which frustrated access to certain types of information and informants. First, the fact that the communities were noted for operating informal artisanal mining and had a high number of immigrants made some of the respondents very anxious in divulging certain experiences and expressing their own accounts on suspicion that I was an undercover journalist. In one mining site at *Tinga*, I was denied entry because someone raised the alarm that "here is the agent of Anas Aremeyaw Anas<sup>7</sup>", another said that "he is not an agent but the real Anas" and others said that "let's arrest him". Subsequently, I was accosted and searched, and my recording equipment and camera were taken away. I heard a voice from behind that their suspicion was right. I started pleading

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<sup>7</sup> A Ghanaian investigative journalist whose piece of journalism is directed at "naming, shaming, and jailing wrong doers or law breakers" in Ghana and beyond.

and directed them to call the community chief or assemblymember for my identity. This suggests that they did not attend the public meeting organized at the behest of the community chief or they had forgotten about my presence in the community. Thus, I abandoned the use of the recorder and camera.

Despite my confirmation as a researcher, within certain areas of the mining sites, I felt at the margin during the data collection process as some of the key actors within these areas were not interested in responding about certain issues related to mining. It appeared that some of the community members were particularly suspicious of the underlying reasons for my interest in informal ASM and overtly cautious about the fact that I had not chosen any other area in the districts other than the four communities. The communities are on record to have strong presence of traditional authorities and structures who resist the district assembly watch dogs from visiting or attempting to stop informal local resource users.

In all these, I had to reflexively retain a neutral position and continuously explain my position as a researcher. Thus, I resisted attempts by the Assemblypersons to influence the selection process of respondent because I suspected bias as they showed tendencies to select their political party members who may give biased responses and sometime being economical with the truth. It became evident during the data collection process that such respondents appeared to be telling me what they thought I should hear because they were not certain of how the information given was going to be managed despite the reassurances of anonymity. This could be explained by the fact that not many field research activities have been conducted by researchers in this context. This was evident when I was constantly told by some respondents during the early stages of the research that community participation in NRM was very high and all local government structures including the Unit Committees were functional and working very well. The names of community representatives on the Unit Committees and other

committees were shown to me to reinforce the claim by the respondents that local government structures were effective with respect to NRM in the communities.

However, other people in the communities who saw me as an “outsider” realized the opportunity to spill the beans on how certain people had monopolized local NRM in the community and took the opportunity to inform me all about NRM without being afraid of sour a relationship. In *Tinga*, the Assemblyman gave me a research guide and led me to my selected respondents. However, during the early stages of my research, I noticed that the respondents were not keen about giving exhaustive information or being interviewed. I thought it was due to apathy and with time things might be alright. One day after an interview session with a fifty-five-year-old female respondent, she told me that if I am always seen in the company of the Assembly man, I will not get reliable and accurate information. It was later that I got to know of a latent conflict between the local populace and the Assemblyman on land use, which had affected interaction and trust between them. According to my informant, the fear of being labeled as having said something unpleasant about a community leader or the need to avoid conflict will make the selected respondents say “only good things” about the leaders and not the reality of how things were done in the community.

As such, I had to make call backs to further engage my respondents repeating similar questions and probing further for more responses so that it could be checked against earlier responses for authenticity and consistency. However, majority of the interviewees agreed to note taking, which facilitated accuracy in transmitting people’s views during the data analysis. Many of the interviewees when told that their identities would remain confidential in the study pointed out to me that “in the current democratic era, they speak their mind freely without any fear”. And despite my efforts to interview more women representatives, I realized that 62% of my respondent were men reflecting the male dominated power structures. Similarly, interviewing women during the data collection process was challenging due to the protective

nature of husbands and male partners. Interviewing women in the presence of their husbands and male partners was a difficult activity since most women felt uncomfortable talking in the presence of their husbands.

As an “outsider” who wanted to interview females, their husbands or male partners chose to sit in while the interview went on mostly seeking in a subtle manner to shape, influence and direct the conversation. For example, during the data collection, there was an instance when I requested the husband of a female respondent to excuse us by moving away a little bit to enable his female partner to feel cozy to talk. However, the female partner countered in defense of the male partner that they were together and whatever responses she gives to me is known to her male partner. Therefore, “there is no big deal if her male partner sits in to listen to our conversation or interview”.

As I spent longer period and became absorbed in the community, it became obvious that the actions of the male partner were formed by history of the action of a teacher-cum-reverend minister who was posted to *Tinga* by the Ghana Education Service as a classroom teacher in the early 2000s. Historical narratives have it that the teacher-cum-reverend minister fled with the wife of his landlord. This situation justified the actions of male partners to shield their wives from “outsiders”. This contributed to limit the female respondents for this study and resulted in a bias selection of male respondents. However, there were other female respondents who were not married or whose male partners did not interfere with the interview process.

As I spent more time, my status also changed from visitor to a known person working within the communities. I could manage to go about my research in the community without much attention to my presence and encountered minimal constraints with community members. With time, I also became familiar with community members and could normally interview their wives or female partners in the evenings when they were cooking the family meals, threshing

corn to sow, or clearing the house compound. These were ideal opportunities to have full access to female respondents as they had time to talk while carrying out the above-mentioned tasks. During this point, the male partners were either out with their peers or hardly came near to my interview sessions.

Another vital issue that I had to willfully consider was my respondents' expectations concerning the outcome of my research findings. The respondents sought to know if by their participation in the research, they would directly derive some tangible rewards from any intervention. At this point, I had to constantly explain to them that my research was purely an academic exercise, but I will also make sure that the findings are published so that the state could draw on some of the findings to inform its policy decisions. I assured the community members that I will make the findings of my research known to them through a public forum in the community. Other respondents also made a request for me to test a rock sample they suspect contains some "value resource" that was not readily known to them at the time. I obliged and brought the rock sample to Switzerland and an examination at the geology unit confirmed the presence of pyrite. I informed them of the content of the investigation and sent them literature to read more about it. I did that to stop them from excavating the earth because pyrite has very minute economic value. Furthermore, few respondents requested for money, which I politely turn down. My fear was that when I start giving out money to respondents, it will become the routine where others will also demand payments before they were interviewed. I kept on telling my respondents that if they do not benefit from the findings of the study, their children stood the chance of benefiting in the future.

On the theoretical sampling approach, I was inclined to consider Mason's (2002) advise that once the researcher reaches a "saturation point", the data collection exercise can be halted. As a result, during my data generation process, I noticed that I had reached the "saturation point" when I observed that the data emerging was mostly a repetition of the information I had

already gathered. Despite having no pre-determined limit on the number of respondents, I was able to gather enough data for this research though undertaking the data analysis was a dilemma. Using an electronic format to analyze the data became unrealistic due to the sheer volume of data gathered and the fact that a lot of analysis had already been done during the period of the field work.

### 3.10. Ethical Issues and Validity

For each interview and observation undertaken for this study, I sought informed consent from the individuals and the gatekeepers concerned in each community. Since my research involved human, informed consent was importance during the data gathering and analysis stages. Before I observed any site, I sought permission from the relevant gatekeeper(s) of that site. Also, my respondents gave me their informed consent before going ahead to respond to the interview questions. I informed my interview respondents that their inclusion in the research process was not mandatory and that they could opt out if they have any intentions of withdrawing from the interview process. During the data collection exercise, especially the FGD and the interview process, my interview participants sought anonymity and confidentiality, which I agreed. My interview respondents were vigilant of the fact that some vital information concerning some of the issues being discussed especially responses concerning equity and equality concerning access to natural resources and their social lives gets to their male partners or husbands, it may lead to some bad consequences. I also ensured informed consent before note taking the conversations.

With reference to the validity of the research, I was informed by Mason's (2002) argument that the research process is not passive or neutral, but then, "interactive, creative, selective and interpretative". These elements about the research process causes concern for generalization and data reliability, especially external validity of the research. Although the

ethnographic approach adopted for the study is often criticized for paying too much attention to a small number of cases, in my research it enabled me to get deeper insights and contextual account of people's experiences about local NRM. Though there are limits to the generalizations that can be made from the micro-level analysis, detailed community studies offer an opportunity to examine local dynamics driving broader trends. This is supported by Jackson's (2002) argument that researchers should focus on the atypical, the unusual and the rare to contribute knowledge of some larger picture.

Since my research was more about enlightening how new local government structures shaped and influenced individual participation in NRM and social organizations, the empirical data from the case study are generalizable beyond the specific context, so far as decentralization reforms similar to the Ghana approach has taken place. Obviously, the findings will limit generalization to other localities in which decentralization reforms have taken place due to the difference in context specificities and the essential uniqueness of the communities which are embedded in history and culture. Generalizability, however, was not the goal of this research, but rather this study focused on the practice of decentralization at the micro-level to illuminate how the local government structures shape community participation and community management of natural resources within a specific context.

### 3.11. Introduction of The Research Articles and Running Themes

In this section, I briefly introduce three research articles and the general running themes. The first article aims to understand how decentralization reforms modify the balance of power between public administration in charge of land administration, customary authorities, and resource end-users. The article shows that decentralization has the tendency to increase competition among local actors in land administration because power and accountability are transferred downwardly to heterogenous actors with diverse interest. It emphasizes that

increasing competition and conflicts between close lineage and clan members as new opportunities to benefit rents and revenues from land administration and management hampers land rights formalization. As such the gains of formalization of land rights are often fleeting because their supposed benefits do not trickle down to poor households, small-scale farmers, and marginalized women, leading to loss of local participation and empowerment. As an adaptation strategy, these groups of local resource end-users face exclusion and dispossession, which make them susceptible to food insecurity because livelihoods are enclosed sometimes without proper and adequate compensation. Consequently, they are forced to shift to informal ASM to earn livelihoods, employment, and income, which is the focus of the second and third articles. While the second article pays particular attention on the mechanisms of formalization initiatives. It presents that the decentralization of procedures in the formalization of rights in ASM together with CRAFT will lead to diverse stakeholders repositioning their strategies to promote and advance their interests and increase their bargaining power, which will ultimately lead to a negative impact on sustainability.

As a step further to assess power relations at the household level due to local citizen's participation in informal ASM, the third article focuses on how women renegotiate the dynamics of gender roles and power relations. It shows that women's transition from dependent to economic independence together with their informal networks enable them to modify the existing gender roles and power relations within the household domain. It emphasizes that economic power must be accompanied with adhering to appropriate behaviour in order to negotiate power in some specific context. The practice of enacting appropriate behaviour shows women's passivity and reinforces the male-dominated power. The article also underscores how men tentatively create dependency ties to sustain their dominated power structures as a reaction against women's increasing economic power. From the three articles, the common empirical materials are:

### 3.11.1. Disempowerment of Poor Households, Marginalized and Vulnerable Groups

As evidenced in the three articles, while devolution to resource end-users has been explicitly identified and pursued in national policies, effective devolution leading to true empowerment of the legitimate marginalized stakeholders is yet to be achieved. The term participatory NRM (“gestion participative”) has unquestionably become one of the official cornerstones of the Government of Ghana’s agenda and representative of the primary stakeholders have been invited to contribute to the planning and decision-making process on several occasions. While the inclusiveness policy of decentralization reforms can be accepted as genuine in intent. The reality on the ground, however, is more ambiguous. Even where the participation of legitimate groups of resource end-users seems to have been achieved, their level of participation is often reduced to an instrument for implementation rather than an effective and empowering involvement in the decision-making process. Overall, marginalized resource end-users, including women for instance, have no influence on how natural resources are to be managed and have no recourse to any formal institution to question or challenge the government’s and/or traditional authorities’ actions.

### 3.11.2 Poor Attention to Downward Accountability

Contrasted with participation, there is poor attention paid to downward accountability of resource managers. The lack of downward accountability by resource managers both state and customary authorities appear to have affected the decentralization processes. The staff of the deconcentrated agencies in charge of NRM at the regional and district levels are accountable to their upward hierarchy. Again, in the first and second articles, there is neither administrative nor legislative mechanisms put in place to hold these officials accountable to local communities and other stakeholders.

While it would be that this lack of downward accountability from the lower level of administration is the actual reason for the introduction of decentralization policies in the first place, it ought to be noted that the poor attention paid to downward accountability is also observed in many instances of the newly empowered local entities such as the CLS, the village land management and gold committees. In the Bole case for example, these local entities did not identify or establish the mechanisms through which they were expected to be made accountable to local communities. At best, the local frameworks merely outlined the roles that these different stakeholders should play in the new institutional arrangement. As a result, these local entities usually fail to account for the poor households, marginalized and vulnerable people's real aspiration.

Therefore, customary authorities suffer a relatively bad reputation because they are not necessarily the best promoters of equal, gender-balanced and pro-poor reforms (Bierschenk & Olivier de Sardan, 2003; Vedeld, 2000). These articles highlight the actual risk of power abuse that exist in the two administrative districts because of the pre-eminent position enjoyed by the local traditional leaders in the new decentralized NRM context.

### 3.11.3. Rent Seeking and Elite Capture by Local Elites

Allocating NRM powers to customary chiefs, local government or non-representative authorities can fortify these less-systematically accountable actors (as explained above) and lead to the failure of the decentralization reforms. The case studies illustrate that decision-making processes and shift of responsibilities to peripheral level of governance are not a sufficient pre-condition to promote the success of decentralization reforms (Wardell & Lund, 2006). Since NRM generate revenues, in practice, local elites appropriate these rents for their self-interest (see details in Articles 1 and 2). As demonstrated in these articles, customary

authorities are infamous for entrenched gender inequalities based on custom and thus prioritizing divisive, ethnic-based membership (Abraham & Platteau, 2000).

However, customary authorities are not the only local elites who often use their existing privilege to hijack or usurp components of the newly devolved power and reinforce or extend their political, social, or economic status. In a context where customary authorities are struggling over resource ownership, such as in *Talensi*, the devolved power ends up in the hands of the local agents of the decentralized administration—often in collusion with some local traditional leaders. This type of “unbalanced relationship is often a source of abuse” (Makadassou et al., 2007, p. 10). A component of this rent-seeking behavior maybe explained—even though not justified—by the poor financial resources that affect local government in many developing countries (Manor, 1999).

In sum, considering a new option to expand local elites’ influence due to the introduction of decentralization or devolution, the various local elites are motivated by short-term economic interests and thus compete to establish control over resources. Whereas less powerful groups, because of their classification of commoners or migrants, often end up marginalized, excluded, and deprived.

#### 3.11.4. Weak Local Resistance

In all three articles, the resistance strategies of the local resource end-users, including women are very weak. This is because of their lack of resources to mobilize for collective action. In addition, the ability to embark on institutional shopping in the context of legal pluralism is limited as they lack the capacity to influence institutions and develop legitimating discourses to back their reactions.

### 3.12. The Roles of Co-Authors in the Three Research Articles

Tables 5 and 6 present the descriptions/explanations of roles of co-authors in research article and the roles played by the different co-authors in the research articles.

Table 5: Explanation of roles

<b>Roles</b>	<b>Descriptions/explanations</b>
Conceptualization	Ideas; formulation or evolution of overarching research goals and aims
Methodology	Development or design of methodology; creation of models
Software	Implementation of the computer codes; testing of existing code components
Validation	Verification of the overall replication/ reproducibility of results and other research outputs
Formal analysis	Formal techniques to analyze or synthesize study data
Investigation	Performing the data or evidence collection
Resources	Provision of study materials and analysis tools
Data Curation	Management activities to annotate (produce metadata), scrub data and maintain research data for initial use and later reuse
Writing – Original draft	Preparation, creation and/or presentation of the published work, writing the initial draft
Writing – Review & Editing	Critical review, commentary, or revision – including pre-or post publication stages
Visualization	Preparation, creation and/or presentation of the published work
Supervision	Oversight and leadership responsibility for the research activity planning and execution, including mentorship external to the core team
Project administration	Management and coordination responsibility for the research activity planning and execution
Funding acquisition	Acquisition of the financial support for the project leading to the publication

Table 6: The role of the different co-authors

CRediT*	Article 1			Article 2				Article 3			
	J.N.	T.	J-D.	J.N.	T.	J-D.	T.	J.N.	T.	J-D.	M.
↓ Authors →	Adam	Adams	Gerber	Adam	Adams	Gerber	Haller	Adam	Adams	Gerber	Amacker
Conceptualization	√		√	√		√		√		√	
Methodology	√		√	√		√		√		√	
Software	√			√				√			
Validation	√			√				√			
Formal analysis	√			√				√			
Investigation	√			√				√			
Resources	√			√				√			
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Writing – Review & Editing	√	√	√	√	√	√		√	√	√	
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Supervision			√			√	√			√	√
Project administration	√			√				√			

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### 3.13. Conclusion

This chapter has discussed the approaches for primary data generation. The research design was based on an actor-oriented approach that views social actors as “knowledgeable” and “capable”. The research approach also embraced the dynamic relationship between agency and structure. To gather individual experiences with decentralization, the study employed multiple ethnographic data generation approaches notably the semi-structured interviewing technique, participant observation and the FGD to enter the social worlds of local actors at the community level. The data generated from the field was analyzed manually and were relevant to answer the research question for the thesis.

## Chapter Four

### The Politics of Decentralization: Competition in Land Administration and Management in Ghana<sup>8</sup>

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#### 4.1. Abstract

Decentralization policy forms part of a broader global ideology and effort of the international donor community in favour of subsidiarity and local participation and represents a paradigm shift from top-down command-and-control systems. Since 2003, the formalization of property rights through titling became an integral component of decentralized land administration efforts in Ghana. The creation of new forms of local government structures and the related changes in the distribution of responsibilities between different levels of government have an impact on natural resource management, the allocation of rights, and the unequal distribution of powers. This paper aims to understand how decentralization reforms modify the balance of power between public administration, customary authorities, and resource end-users in Ghana. Decentralization's impact is analysed based on two case studies. Relying on purposive and snowball sampling techniques, and mixed methods, we conducted 8 key informant interviews with local government bureaucrats in land administration, 16 semi-structured interviews with allodial landholders, 20 biographic interviews and 8 focus group discussions with small-scale farmers. The interviews analysed the institutions and the roles of actors in land administration. Our case studies show that decentralization has the tendency to increase local competition in land administration where there are no clear distribution of power and obligation to local actors. Local competition and elitism in land administration impact the ability of small-scale farmers to regularize or formalize land rights. Thus, the paper concludes that local competition and the elitism within the land administration domain in Ghana could be the main obstacles towards decentralization reforms.

Keywords: decentralization; formalization; local competition; property rights; titling

## 4.2. Introduction

Decentralization research has mainly focused on a wide range of public policy issues including education, healthcare, waste management, and social policies (Faguet, 2014; Fischer & Ali, 2019; Ribot, Lund, & Treue, 2010; Stoa, 2014). For roughly two decades, the World Bank and other international development agencies have pushed for merging objectives of decentralization with land administration and management (Bruce & Knox, 2009; Toulmin, 2000). Decentralization in land administration refers to the transfer of land-use (or physical) planning, cadastral surveys, land (tenure) regularization, and formalization from the central government to the sub-national government level to secure land tenure (Bruce & Knox, 2009; Gwaleba & Chigbu, 2020; Toulmin, 2000). Available records from land formalization programmes show that implementing land-use planning and cadastral survey towards secure land tenure has remained problematic (Gwaleba & Chigbu, 2020). Yet, this is largely unexplored in Ghana (Bruce & Knox, 2009; Gwaleba & Chigbu, 2020; Toulmin, 2000). In this paper, we aim to appraise and highlight how decentralization in land administration and management increase local competition among local actors and impact the land rights of small-scale farmers.

Decentralization in land administration and management is conceptually linked to participatory planning and is thus relevant for land-use planning and cadastral survey, which in turn influence land regularization and formalization (Gwaleba & Chigbu, 2020). Since the 1980s, the spread of formalization initiatives emerged in structural adjustment programmes to promote individualized land ownership for increased land and natural resource sustainability (Adam et al., 2021; Brueckner & Selod, 2009; Graglia, 2002; Hilhorst, 2010; Narh, Lambini, Sabbi, Pham, & Nguyen, 2016). In the realm of land tenure, formalization is defined as “the administrative recognition of occupancy rights—by the state or by local authorities—which results in the delivery of personal rights to household living in informal settlements (Brueckner

& Selod, 2009, p. 7; Graglia, 2002). It is also the “process by which informal tenure is integrated into a system recognized by public authorities” (Durand-Lasserve & Selod, 2009, p. 105). Public authorities acknowledge a system via “its administrative procedure or within the formal planning system” (Gwaleba & Chigbu, 2020, p. 4). In this regard, land-use planning is one of the many planning instruments that offers the rules to permit the integration of informal tenure into a system recognized by the government authorities (Gwaleba & Chigbu, 2020). Land-use planning refers to the process of creating a suitable land partition within a given local government area to enhance the land rights security of the people or set of people living in a particular zone (Chigbu, 2019; Gwaleba & Chigbu, 2020; Gwaleba & Masum, 2018; Hung, 2017). It involves a combination of decision-making and activity implementation, which modifies numerous plots of land at a time, and simultaneously has a link to the plot division process with cadastral (land) survey (Gwaleba & Chigbu, 2020). The land-use planning process engenders land-use decision-making and the division of boundary (Gwaleba & Chigbu, 2020). The division of land into property units permits property rights to develop (Gwaleba & Chigbu, 2020; Masum, Chigbu, Espinoz & Graefen, 2016). The development of property rights encompasses the division of land into property units that are easily distinguishable and protectable through the executive or formal decision of relevant authorities (Julstad & Ericsson, 2001, p. 174). Property units are not effectively transferable until they are regularized and/or formalized (Gwaleba & Chigbu, 2020).

Often, formalization and regularization are used interchangeably even though they mean different things (Gwaleba & Chigbu, 2020; Fosudo, 2014). Regularization refers to the “process through which existing land rights of people or organizations over different categories of land are recognized, guaranteed and secured through the administrative procedure to ensure formalization and delivery of land rights to people” (Fosudo, 2014, p. 9). Regularization sets up “property recognition and permits property right holders to enjoy *de facto* tenure security”,

while formalization “sets up property rights to become legalized and allows for *de jure* tenure security to protect property owners” (Gwaleba & Chigbu, 2020, p. 4). Moreover, “legalizing property formation (as the results of formalization) implies making land and property rights to become legal by way of land/property rights registration” (Gwaleba & Chigbu, 2020, p. 4). Both land formalization and land regularization are inextricable to post-land-use planning and post-cadastral survey activities that aim to give a boost to the tenure security of landowners.

In Ghana, following the 1999 national land policy and the implementation of the land administration project between 2003 and 2016, legislations have been passed to modify the Lands Commission as a “one-stop-shop” for land related services, including the mapping and registration of land boundaries of traditional areas and individual land rights within traditional areas to enhance the tenure security of resource end-users (Lanz, Gerber, & Haller, 2018; Ubink & Amanor, 2008). Simultaneously, the Lands Act, 2020 (Act 1036) provides the legal framework for the Customary Land Secretariats (CLSs) to identify and demarcate land boundary, to adopt a simple land-use planning and plot allocation procedure, and to register customary use rights to the land such that they facilitate informal resource users’ initiatives to enhance their living conditions (Anafo, 2015; Biitir, Nara, & Ameyaw, 2017; Biitir & Nara, 2016; Bugri, 2012; Kasanga & Kotey, 2001; Lanz et al., 2018; Ubink & Amanor, 2008).

Paradoxically, however, decentralization creates opportunities for few local powerful actors to organize, select, and develop institutions to increase the incentives of land administration and management to their own ends (Lanz et al., 2018; Poteete & Ribot, 2011; Toulmin, 2000). The theory of New Institutionalism in Social Anthropology (Ensminger, 1992) provides a heuristic approach to understand how customary authorities have become very relevant in recent times due to fluctuating relative prices of land. The theory postulates that within the context of increasing relative prices of land, institutions change in line with the ideology and bargaining power of diverse actors, which usually leads to a biased delivery of

resources. In this regard, decentralization and structural adjustment programmes together with a rise in land values tend to reinforce the bargaining power of customary chiefs who can manipulate their position as trustees of customary land and change it into *de facto* private property via the performance of “institution shopping” (Haller, 2013, 2016). In respect of legal pluralism, the phrase “institution shopping” describes how powerful actors resort to various institutions (i.e., customary and non-customary laws) to expedite their access to resource in a more legitimate way (Ensminger, 1992; Haller, 2013; Lanz et al., 2018; Sikor & Lund, 2009; van Leeuwen, 2017). The theory underscores that “institutional change usually creates both winners and losers” and “winners have an obvious interest in promoting such change; losers have an interest in resisting it” (Ensminger, 1992, p. 166).

This paper aims to understand how decentralization reforms modify the balance of power between public administration in charge of land administration, customary authorities, and resource end-users. Specifically, we ask: which new institutional arrangements that regulate land administration emerge at the local level? What are the implications of the institutional arrangements on the land rights of small-scale farmers? In this paper, institutional arrangements refer to the formal government organizational structures and informal norms put in place at all levels of government (federal, provincial, and local) for arranging and undertaking its policy work (Stoa, 2014). The paper follows two lines of arguments: First, we demonstrate that decentralization has the tendency to increase competition among local actors in land administration because power and responsibility are transferred downwardly to heterogeneous actors with diverse interests. As such, customary authorities seize the opportunity of the withdrawal of the central state from local matters to reinforce their nondemocratic identity even more through strategies based on *fait accompli* leading to negative consequences on the land rights of small-scale farmers. Second, we demonstrate that the elitism within the formal land administration domain could be the main obstacle towards decentralization reforms.

*Bole* and *Talensi* cases in northern Ghana present an interesting basis of comparison because they allow us to observe how the impact of decentralization has evolved in rural areas with distinct social and institutional conditions (Fischer & Ali, 2019). The cases represent a range of experiences with the subsidiarity principle, from chaos to a partial working decentralization. We assume that a variance may influence the analysis of the outcome and the impact of decentralization reform processes (Fischer & Ali, 2019; Narh et al., 2016; Stoa, 2014). The cases were also chosen based on the differences in traditional political system, which shape land relations amidst state laws, rules, and regulations (Awedoba, 2011; Narh et al., 2016; Yaro, 2012).

The following section 4.3 provides an overview of the institutional shift towards decentralized land-use planning and cadastral survey, and the subsequent administrative efforts to secure land (rights) tenure through regularization and formalization. Section 4.4 describes the materials and methods used for the comparative study. The case studies are outlined in section 4.5 to illustrate how the institutional arrangements work with as well as against land administration. In section 4.6, we analyze the actual impacts of decentralization policies at the local level. In section 4.7, we synthesize the theoretical and empirical insights into a broad argument about decentralization reforms. We present the conclusion in section 4.8 with emphasis on new forms of formalized collective tenure that build on common property relations.

#### 4.3. The Institutional Shift towards Decentralization in Land Administration and Management

The key elements of land administration and management include land-use planning, cadastral survey, regularization, and formalization. This section focuses on these key elements to show how they are ingrained in western style of complex legal and technical standards or ethics, which end up downgrading the social cultural relations and the existing land tenure

arrangements of the rural population and concurrently increase the bargaining power of government bureaucrats.

#### 4.3.1. Decentralized Land-Use Planning and Cadastral Survey in Perspective

Decentralization reforms are part of a broader project initiated by the World Bank as a paradigm shift from top-down command-and-control systems. In 1988, Ghana's decentralization policy was launched to transfer power, functions, and responsibilities regarding land use and spatial planning from the central government to the district assembly or spatial planning authority (Acheampong & Ibrahim, 2016; Botchwey, 2017; Nyendu, 2021). The 1992 Constitution of Ghana, the Local Government Act, 1993 (Act 462) and the Land-Use and Spatial Planning Act, 2016 (Act 925) provide the legal framework of Ghana's decentralization policy (Acheampong & Ibrahim, 2016). The 1992 Constitution designates the district assembly as the highest planning authority at the local level. The district assembly is responsible for physical/spatial planning of customary land in conjunction with customary authorities, granting approval of all planning schemes before they can take effect and granting of planning and building permits to control development (Acheampong & Ibrahim, 2016; Botchwey, 2017; Nyendu, 2021). Ghana's decentralization policy aims to ensure effective participation of local citizens in land-use planning to enhance the judicious use of land to improve quality of life, promote health and safety in respect of human settlement (Acheampong & Ibrahim, 2016; Toulmin, 2000; Wardell & Lund, 2006).

Land-use planning or physical planning is the “planning instrument employed by government agencies (or instituted authorities) to regulate how land and natural resources are used” (Gwaleba & Chigbu, 2020, p .4). Since physical planning relates to decisions and activities, it makes it a regulator of property rights within the framework of their applications

to land use (Gwaleba & Chigbu, 2020). As such, issues related to plot divisions, regularization and formalization are influenced by land-use planning (Gwaleba & Chigbu, 2020).

Over the years, the Town and Country Planning Department (TCPD) has been responsible for land-use planning to ensure the orderly and progressive development of human settlement, and the provision of layout plans (planning schemes) (Acheampong & Ibrahim, 2016). Planning schemes are important in the concurrence process by the Lands Commission as part of registration of title (Ubink & Amanor, 2008; Yaro, 2012). With planning schemes, potential differences between planned layout, the actual location on the ground and ownership claim can be identified and fixed. Structure plans provide information about the future general land use within a specified local government area. Structure plans are the main legal planning documents with zones of development that are approved by a technical and political process (Acheampong & Ibrahim, 2016). They are usually prepared by land-use planners in consultation with major landowners, developers, utility companies and the district assemblies (Acheampong & Ibrahim, 2016). The tools to implement structure plans are local plans, which form the basis for parcel administration, land use management and permit issue.

A local plan identifies detailed land uses down to parcel level. They require strong community participation so that land holders and users can specify their land (tenure) rights and boundaries based on their individual views (De Vries, Bennett, & Zevenbergen, 2015). Yet only few selected local citizens get to participate due to the “strict standards and quality assurance specifications” (Asiama, Bennet, & Zevenbergen, 2017, p. 3). For example, the use of Global Navigation Satellite System, Unmanned Aerial Vehicles and Mobile app for spatial data collection are too technical for local citizens to use. As a result, local plans are set up by qualified and registered architects, engineers, developers, together with land-use planners and the Geographic Information System experts. Therefore, land holders who want to develop land

for sale are required to engage technical experts to develop local plans for approval by the local, technical, and political authorities before being implemented (Parliament of Ghana, 2016).

As land-use planning comprises decision-making and activity implementation, it has connection to a cadastral survey (Gwaleba & Chigbu, 2020). In this regard, the TCPD collaborates with the Survey Department to prepare acquisition plans when stool or skin land is being acquired (Julstad & Ericsson, 2001). Oftentimes, registered private surveying firms are engaged in the (sub)division of parcels into property units to enable disposition (Gwaleba & Chigbu, 2020; Julstad & Ericsson, 2001). The TCPD in consultation with the Lands Commission provide a referenced coordinate system, which the district assembly uses as the basis to provide a unique parcel number of each parcel of land. “The division of land into property units serves to “individualize objects of ownership and other rights in land” including privileges, obligations and interest (Ekbäck, 2009, p. 58). Land divisibility makes it possible to be titled, possessed, or co-possessed, and be transferred from person to person, person to a group, or from a group to a person (Gwaleba & Chigbu, 2020). Note that ownership, responsibilities, privileges, and interests can be transferred either in whole or components from one form or person to another (Graglia, 2002; Ekbäck, 2009; Gwaleba & Chigbu, 2020; Sjaastad & Cousins, 2008). Land regularization and formalization enable transferability. The idea of “transferability of property (land) rights from person to person is what makes property rights, together with its associated institutional arrangements”, ‘strong’ drivers in the use of land and natural resources use and tenure” (USAID, 2006, p. 25). Thus, property rights can be termed as a bundle of many (sticks) rights, including the right to use the property, to obtain income from the property, and to alienate the property (Alchian & Demsetz, 1973); or the rights of access, withdrawal, exclusion, management, and alienation (Schlager & Ostrom, 1992); or privileges, interest and obligations, which the formal law on any occasion grants to the owner of a property unit relative to other persons (Gwaleba & Chigbu, 2020).

In summary, land-use planning and cadastral survey are regulated by high professional ethics or standards and strict legal requirement. As a result, public authorities perform such functions with weak participation of local citizens. This is highly unexpected considering that decentralization reforms aim to empower local citizens in land administration to feel a sense of ownership (Asiama et al., 2017). Considering the weak participation of local citizens in land-use planning and cadastral survey, we examine the systems through which property (land) rights are regularized or formalized in Ghana in the next section to see if they offer possibilities for local citizens to be involved.

#### 4.3.2. The Administrative Procedure of Land (Tenure) Regularization and Formalization

A title to land refers to the legal proof of ownership of real property (Sjaastad & Cousins, 2008; Uwayezu, 2018; World Bank, 2013; Zuka, 2019). A good land title is one that is stemmed from an enactment, a vesting order or conveyance from the state, a final judgement of a court, or an acquisition under customary law (Asiama et al., 2017; Mireku, Kuusaana, & Kidido, 2016; Narh et al., 2016; Parliament of Ghana, 2020; Uwayezu, 2018). Title registration is done by any individual who is the allodial owner, holds a common law freehold or a customary freehold, and has usufructuary interests, a leasehold interest, or a customary tenancy (Asiama et al., 2017; Mireku et al., 2016; Parliament of Ghana, 2020; Uwayezu, 2018). The rights that are registrable in relation to land include a mortgage, an easement, a restrictive covenant, a power of attorney, a contractual license, a *profit a prendre*, and a user right under a certificate of allocation (Parliament of Ghana, 2020). The registrable interests in land are an allodial title, a common law freehold, a customary law freehold, a usufructuary interest, a leasehold interest, a customary tenancy, and an interest in a condominium. A condominium refers to a single estate unit in a multi-unit development in which a person has both a separate legal right of ownership to the real property and a common interest with others (United Nations, 2019). An

allodial title is the highest interest in land and is held by the state, a stool or skin, a clan or family, or an individual, and may be acquired through a compulsory acquisition, a first discovery and settlement, a gift, a purchase, or an agreement (Kasanga & Kotey, 2001; Parliament of Ghana, 2020).

The bundle of rights and obligations that attach to any form of interest in land is based on the applicable source of law which forms the basis of that interest (Kasanga & Kotey, 2001; Swenson, 2018; Ray, 1996). Act 1036 spells out three systems for the recording and registration of land and interests in land. These are the recording of customary interests and rights by the customary land secretariat; the registration of instruments relating to land; and the registration of title, interests, and rights in land by the State's Lands Commission (Parliament of Ghana, 2020).

Following the successes of the *Akyem Abuakwa*'s land secretariat in *Kyebi* in the Eastern region, the *Asantehene*'s land secretariat in Kumasi in the Ashanti region, and the *Gbawe Kwatei* family's land secretariat in Accra in the Greater Accra region of Ghana (Anafo, 2015; Biitir et al., 2017; Biitir & Nara, 2016; Bugri, 2012; Kasanga & Kotey, 2001), the land administration project recommended for the establishment of the Customary Land Secretariats (CLSs) across the country to maintain a register of written and oral grants at the local level (Biitir et al., 2017). The CLSs receive, sign and stamp plot allocation papers issued at the village level after land purchase (Mireku et al., 2016). Section 17 of Act 1036 empowers the CLSs to charge and collect fees for the services that it renders to land buyers (Parliament of Ghana, 2020). The plot allocation papers, which are prepared by customary chiefs usually contain the name of the grantor, the town/village where the land is situated, the layout/ward/block, the plot number, and the allottee name and address. In some cases, the conditions for the land are stated in the allocation papers, which the allottee must abide by, including entering into a formal lease agreement with the paramount chief of the traditional

area within six months from the grant on terms mutually agree upon. The plot allocation papers do not contain spatial information of the land purchased and as such not likely to convey title to the allottee (Asiama et al., 2017; Parliament of Ghana, 2020). The plot allocation papers provide evidence of land ownership and is relied on to adjudicate local land disputes (Mireku et al., 2016; van Leeuwen, 2014, 2017).

The CLSs are also responsible for part of the procedures to formalize land under the customary tenure at the Land Registration Division of the Regional Lands Commission by issuing the above-mentioned plot allocation papers (Mireku et al., 2016; van Leeuwen, 2017). Formerly, to obtain a formal land title (or title certificate), people would have to deal directly with the Land Title Registration in Accra, the national capital. In the new system, the Land Registration Division receives the plot allocation paper issued by the customary land secretariat together with a site plan from the Town and Country Planning Department (TCPD) and a cadastral plan from the Survey Department. The Registrar would scrutinize all the relevant documents submitted and ensures that the processing fees are paid before a title certificate is prepared, signed, sealed, and issued out to the applicant.

Available records show that a little over 30,000 parcels have been titled by urban elites in Ghana (Asiama et al., 2017; Biitir et al., 2017). To facilitate title acquisition by rural citizens, several programmes have been developed, including a systematic titling project by the Millennium Development Authority (MDA), a paralegal titling project by the Corporate Initiative Development Group, a Medem Proprietary ParcelCert, a LandMapp Initiative, and the Community-Based Land Survey Tool by the Land Resource Management Center (Asiama et al., 2017; Biitir et al., 2017). Paralegal titles can be converted into formal titles (Asiama et al., 2017). Furthermore, while the application procedure for formalization now begins at the lower level than in the past, the ultimate issuing out of titles takes place at the regional level and requires expensive outside expertise in the form of professional surveyors. In addition,

there have been very little efforts to promote and reinforce the public image of plot allocation paper, which is the only evidence of land ownership hand out by the customary authorities at local level (Mireku et al., 2016; van Leeuwen, 2014, 2017).

In the light of the different registration systems performed by the Customary Land Secretariats and the Regional Lands Commission (Hilhorst, 2010; Narh et al., 2016; Ray, 1996; Swenson, 2018), resource end-users select forums to register their land rights “based on accessibility, efficiency, legitimacy, jurisdiction and cost”, as well as the forum’s capacity to provide asset protection (Swenson, 2018, p. 44). In the following section, we describe the methods employed for the data collection to enable the comparative analysis.

#### 4.4. Materials and Methods

##### 4.4.1. Case Selection

The Bole case in the savannah region is characterized by a formal recognition of customary chiefs as sole authorities in the Customary Land Secretariats (CLSs) to grant consent and concurrence in local land transaction (Adam et al., 2021; Asiamah et al., 2017; Ubink & Amanor, 2008; Yaro, 2012). Article 267 of the 1992 Constitution of Ghana acknowledges the *de facto* power of a customary chief to govern skin or stool lands in accordance with customary law. The CLSs are responsible for managing all land held under customary land tenure system (Asiamah et al., 2017). The *Talensi* case in the upper east region is characterized by the absence of the CLSs due to multiple customary authorities laying claim to the land (Adam et al., 2021; Yaro, 2012). In *Talensi*, the customary chiefs lay claim to the land based on the British colonial land legislations and the land administration project. Based on the judicial decisions of the Supreme Court of Ghana, first discovery and settlement, the *tindanas* lay claim to the land (Awedoba, 2011; Kasanga & Kotey, 2001; Sikor & Lund, 2009; Wardell & Lund, 2006), while settlers lay claim to the land based on usufruct (Bening, 1995; Wardell & Lund, 2006). As

such, little is done by way of surveying and mapping of parcel boundaries when registering land (Asiama et al., 2017).

#### 4.4.2. Methods

We obtained our field data from *Dokrupe* and *Tinga* for our *Bole* case, and *Datuku* and *Gbani* for our *Talensi* case to enable a comparative analysis. The field data were gathered between February 2019 and February 2021. We used the purposive sampling technique to choose our respondents (small-scale farmers, customary authorities, registered surveying firms and local government authorities) based on their respective activities, experiences, knowledge and obligation in land administration and management. We applied the snowball sampling technique to make sure that the right small-scale farmers who were involved in land-use planning, regularization and formalization, and the government authorities who facilitated the approval of local plan at the local level were chosen (Gwaleba & Chigbu, 2020; Lee, de Vries, & Chigbu, 2019).

We relied on the mixed methods approach, including key informant interviews, semi-structured interviews, biographic interviews, and focus group discussions (FGDs) to collect the relevant data for the study (Adam et al., 2021). Eight key informant interviews were conducted with local government bureaucrats in land administration to share their knowledge, experiences and roles in land-use planning, plot demarcations and title processing. The interviews with the private surveying firms centered on how they gathered spatial data and verified the rights of individuals on the ground before plot demarcations. Also 16 semi-structured interviews (made up of both closed-ended and open-ended questions) were conducted with the allodial landholders comprising of 4 customary chiefs, 4 *tindanas*, 4 clan and 4 family heads to understand the power dynamics, social norms, and rules governing land boundary adjudication and the filing of informed consent for land-use planning to happen. The interviews analyzed

the local power dynamics hindering the operations of the CLSs. In addition, 20 biographic interviews were held with small-scale farmers to uncover the nature of participation in land-use planning, how individual plots were partitioned, and the challenges faced in regularizing plots at the CLSs or formalizing at the Regional Lands Commission. Furthermore, 8 FGDs were conducted with a total of 72 selected small-scale farmers (both men and women) to triangulate the individual views expressed privately. We also augmented our empirical qualitative data with published journal articles on decentralization, participatory land-use planning, formalization programmes and cadastral survey (Adam et al., 2021; Asiama et al., 2017; Gwaleba & Chigbu, 2020; Hung, 2017; Masum & Chigbu, 2016). We reviewed legal documents, including the Acts of Parliament, relevant chapters of the 1992 Constitution, national land policy and unpublished documents from the land administration project.

#### 4.4.3. Data Processing, Analysis and Presentation

We recorded all the interviews and focus group discussions on our field diary and notes. The field data were subsequently coded according to major themes and concepts such as affordability and participation to make our comparative analysis. The assessment elements were participation in land-use planning, cadastral survey, regularization, and formalization. Some of the indicators were the ability to collect spatial data, the ease of use of the spatial data collection technology, and the cost of surveying and processing title. The descriptive technique for data analysis was used, and discoveries were represented in tables and texts under key thematic areas (Gwaleba & Chigbu, 2020). In the next section, we describe the context of the two case studies, concentrating on the history of customary land administration and management.

#### 4.5. The Case Study: Decentralized Land Administration and Management

In this section, we outline the history of land administration and management from the precolonial to the postcolonial era in the *Bole* and *Talensi* case studies to show the institutional arrangements that work with as well as against.

##### 4.5.1. Customary Land Secretariat for Land Administration and Management in *Bole*

The roles of customary chiefs in customary land administration and management have not changed in the *Bole* traditional area since the precolonial era. Instead, it is being reinforced by colonial and post-colonial land legislations and policies (Bening, 1995). During the precolonial era, land was abundant and available for everyone to use under the common property regime (Awedoba, 2011; Kasanga & Kotey, 2001). Settler farmers presented kola nuts to the village chief to obtain use rights. The village chief had to direct the land priest to find suitable plots for strangers to develop (Awedoba, 2011). The strangers often planted trees of marginal economic value on the plots to serve as evidence of land use and occupation.

As land gained economic value due to the opening of commercial agriculture beginning in the colonial era, people's "free" access to the land diminished (Kasanga & Kotey, 2001). As a result, customary authorities began to introduce discriminatory rules of access to land for the *Ngbanya* (people of royal descent), the *kramo* (the Muslim group), and *Nyamasa* (the settlers) (Awedoba, 2011). Unlike females, adult male *Ngbanya* exercised most of the rights usually associated with land ownership (Awedoba, 2011). The *Nyamasas'* access to land depended on social capital and relational reciprocity.

In recent times, population pressure and global land rush are contributing to weakening the security of tenure of rural landowners (Anaafo, 2015; Chigbu, Alemayehu, & Dachaga, 2019; Gwaleba & Masum, 2018; Lanz et al., 2018). This is partly due to lack of formal titles and proper plot demarcations at the local level, leading to several land boundary conflicts

(Anaafo, 2015; Bening, 1995; Chigbu, Schopf, de Vries, Masum, Mabikke, Antonio, & Espinoza, 2017). The local government authorities appear very weak to safeguard the land rights of rural landowners from intrusion by rural newcomers (Bening, 1995; Kasanga & Kotey, 2001).

In this regard, the *Bole* Traditional Council—an assemblage of king makers, elders, and divisional chiefs in the traditional political system (Firmin-Sellers, 1996)—inaugurated a 16-member land management committee to operate the Customary Land Secretariat (Biitir et al., 2017). Through the help of the Customary Land Secretariat, it is anticipated that the individual land rights within the traditional areas would be registered and mapped (Lanz et al., 2018). As such, rural communities invigorated land-use planning to improve tenure security to promote human settlement and livelihoods (Parliament of Ghana, 2016). Since the establishment of the Customary Land Secretariat, over 7000 land transactions have been regularized, and over 100 land boundaries disputes resolved (Biitir et al., 2017). The successes are attributed to the development of local plans by landowners with support from the Town and Country Planning Department and the district spatial planning committee (Biitir et al., 2017).

4.5.2. Multiple Customary Authorities in Land Administration and Management in *Talensi Talenteng* (i.e., *Talensi* Traditional Area) has gone through three phases of institutional arrangements in customary land administration. Before 1930 (phase 1), land control and allocation were the prerogative of the *tindanas* and was often combined with performing the rituals for land use (Awedoba, 2011). The *tindanas* had duly exercised that authority in the time when the economic value of land was not profitable and demand for land was low (Awedoba, 2011; Bening, 1995; Kasanga & Kotey, 2001). The *tindanas*, in consultation with family members, granted land use rights to settlers. In the eyes of the British colonial

administration, the *tindanas* were inefficient in land regulation and quality natural resource management (Kasanga & Kotey, 2001; Wardell & Lund, 2006).

By the 1940s (phase 2), the colonial administration appointed chiefs in *Talenteng* and took land control and alienation rights away from the *tindanas* and gave these rights to the chiefs. This resulted in some families losing their land to the chiefs (Awedoba, 2011; Bening, 1995; Kasanga & Kotey, 2006). The chiefs were granted supervisory, jurisdictional, and territorial control of the people, land, and related natural resources in *Talenteng* on behalf of the colonial government (Awedoba, 2011; Kasanga & Kotey, 2006). The Commissioner made the chiefs more business-orientated to increase their efficiency and effectiveness (Anafo, 2015; Bening, 1995). Since the 1980s, land alienation was no more than the exclusive right of the *tindanas* (Awedoba, 2011; Kasanga & Kotey, 2001; Sikor & Lund, 2009; Wardell & Lund, 2006; Yaro, 2012). This is because after the 1979 Constitution of Ghana, the *tindanas*, clan and family heads made claims on land ownership, land title, and the right to alienate land (Awedoba, 2011; Sikor & Lund, 2009; Wardell & Lund, 2006). Subsequently, individuals and heads of clans and families exercised control over land under clan or family ownership, while the chiefs and *tindanas* exercised control over land subject to collective rights, such as grazing or hunting grounds (Lanz et al., 2018; Sikor & Lund, 2009; Wardell & Lund, 2006). Each of the customary authorities kept to their exclusive functions, a situation which fostered a cordial relationship among them, and by extension, accounted for a nonviolent atmosphere in *Talenteng* (Awedoba, 2011).

From 2003 onwards (phase 3), the national government's land administration project, which introduced the CLS for improved land administration and management was rejected by selected local actors (Adam et al., 2021). The *tindanas* have resisted the creation of the CLS, which pave the way for landowning families to individually prepare local plans for the land. With the increase in the value and demand for land and related natural resources, the *tindanas*,

having compromised in the past, have now rejected their downgrading, and want to re-assert their rights as landowners. This complexity puts to test the extent to which the adoption of western style of decentralization affects local land administration. In the next section, we present the institutional arrangements and their implications on land rights of small-scale farmers.

#### 4.6. The Institutional Arrangements in Land Administration and The Implications on Land Rights of Small-Scale Farmers

In this section, we compare the similarities and dissimilarities of the institutional arrangements in *Bole* and *Talensi* cases and show how they affect the participation of local actors in land-use planning, cadastral survey, regularization, and formalization. The empirical findings are presented separately beginning with the *Bole* case and followed by the *Talensi* case.

##### 4.6.1. Results of *Bole*

###### 4.6.1.1. Participation of Local Actors in Land-Use Planning and Cadastral Survey

Since decentralization seeks to empower local actors in land administration, this section examines the nature of involvement or participation of local actors in land-use planning and cadastral survey leading to plot boundary creation. Land-use planning and cadastral survey in rural communities aim to promote formal and efficient land development. Formal land development deals with the administrative and lawful way of developing and occupying land (Gwaleba & Chigbu, 2020). Formal land development involves a sequence of activities, including physical planning, formal land acquisition, cadastral survey, supply of basic infrastructure and services on land and occupation of developed plots or parcel (Gwaleba & Chigbu, 2020).

However, oral history indicates that *Dokrupe* and *Tinga* were informal settlements occupied since the 1930s and 1970s, respectively (Customary chief in *Tinga*, Semi-structured interview, 7.03.19). Informal settlements are characterized by informal land acquisition and unplanned land use leading to haphazard creation of houses, shops, gardens, and farms. As a result, in 2015, the district assembly, the Town and Country Planning Department (TCPD) and the customary land secretariat (CLS) began processes to upgrade unplanned traditional settlements to a planned status that would ensure the standardization of land parcels, which will eventually lead to land regularization and formalization (Biitir et al., 2017). The upgrading of the settlements was in response to population pressure, modernity, community orderliness and tenure security. Upgrading provided a forum for state and non-state actors to dialogue and negotiate in land-use planning to tackle land boundary conflicts and to pave the way for formal land acquisition and its use within the government's legal framework (Gwaleba & Chigbu, 2020). As such, allodial landowners and resource end-users were sensitized and educated on the importance and advantage of land-use planning and plot demarcation (Customary chief in *Tinga*, Semi-structured interview, 7.03.19). The entire process of land-use planning was led by the TCPD and involves planning, drawing, and giving opportunities to community members to list the reasons for which people use the land (Chairman of the land committee in *Tinga*, FGD, 10.03.19). The flexibility of the land-use planning process ensured that the various interests, vision, concerns and needs of the different segments of the rural population were considered in the plan. The participants, for example, assented for the creation of additional access roads and public open space zones—parks and gardens, small play areas for children, and open area buffers between industrial and other land use activities (Director of TCPD in *Bole*, Key informant interview, 19.03.19). The TCPD also ensured that the planning standards of the parcel size and width of the development zones conformed to the Town and Country Planning Ordinance (Cap

84) and the Environmental Protection Agency guidelines (Director of TCPD in *Bole*, Key informant interview, 19.03.19).

Land-use planning led to the creation of plot boundaries and plot shapes which formed the basis for land use and property rights (Gwaleba & Chigbu, 2020). The lines that created the plots on the land-use plan were executed by a registered private surveying firm (Chairman of the land committee in *Dokrupe*, FGD, 13.04.19). The creation and recording of new plot boundaries paved the way for the formation of new property rights in the communities (Gwaleba & Chigbu, 2020). According to Lai, Chau, Lee, and Lorne (2014), “spatial partition of land whether by governments or private bodies, which involves decision on boundary delineation” enables the creation of property rights (p. 619). The demarcation of plot also enables land buyers to determine the size, location, and access to the plot before buying. The way and manner land-use planning and plot demarcation facilitate property transfer support previous studies by Gwaleba and Chigbu (2020); Lai et al. (2014); MacMahon (2018); and Roose et al. (2013). In all, the realization of land-use planning and cadastral survey was due to the participation of local actors and their distinct roles.

#### 4.6.1.2. Actors and Their Roles in Land-Use Planning and Cadastral Survey

Table 7 shows the different groups of actors and their roles in land-use planning and cadastral survey. The actors involved are grouped into primary actors, secondary actors, and tertiary actors. The primary actors are based at the community level, and comprise of the village chiefs, the village land committees, and the Customary Land Secretariat. The village chiefs settled and verified the land boundaries of clans and families and documented their consent prior to the preparation of the conceptual layout plan (Village chief in *Tinga*, Semi-structured interview, 7.03.19). The village chiefs also oversaw the organization of community consultations and determined which lineage members and youth group leaders would be appointed to constitute

the village land committees based on patrimonialism (Adam et al., 2021). The village chiefs' unilateral appointment of members of the village land committee resulted in a skewed distribution of positions in the land-use planning process. The village land committee is only accountable to the village chiefs because he appointed them (Small-scale farmer in *Dokrupe*, FGD, 27.04.19).

The secondary actors were the district assembly/spatial planning committee, the technical sub-committee, the TCPD, and a private surveying firm. Except the private surveying firm, the secondary actors are based at the district level. The TCPD was the lead actor in land-use planning. The TCPD prepared and presented the conceptual plan to the local communities to deliberate. The district assembly approved the layout for implementation in the communities. A private surveying firm based in Tamale, the regional capital of the northern region, was engaged by the village chiefs and the land committees to demarcate the new parcel borders and to prepare a cadastral plan (Village chief in *Tinga*, Semi-structured interview, 4.01.21). The tertiary actors are the Survey and Mapping Division and the Land Registration Division of the Regional Lands Commission. The Land Registration Division prepared title certificates for land buyers based on the cadastral plan. Overall, the actors played complementary roles. Despite that the actors expressed different views about the nature of collaboration in land-use planning and cadastral survey.

Table 7: Local actors and their roles in land-use planning and cadastral survey in *Tinga*

Actors	Role
Primary actors	
Village chiefs	<ul style="list-style-type: none"> <li>• Form village land committees</li> <li>• Document the consent forms of landowners during the land boundary settlement process</li> <li>• Organize community meetings for public sensitization, awareness creation, and education on land-use planning, and to discover the needs, concerns, and interests of the community</li> <li>• Issue plot allocation papers to buyers</li> <li>• Pay cash and in-kind for cadastral surveying activities</li> <li>• Submit application to the district assembly to prepare local plan</li> <li>• Register the local plan at the RLC</li> </ul>
Village land committee	<ul style="list-style-type: none"> <li>• Assist in land-use planning and activity implementation</li> </ul>
Customary land secretariat	<ul style="list-style-type: none"> <li>• Regularize individual land rights</li> <li>• Charge and collect fees for land regularization</li> </ul>
Secondary actors	
Private survey firms	<ul style="list-style-type: none"> <li>• Undertake mapping activities to certify that the lines drawn by the TCPD are genuinely implanted on land parcels</li> <li>• Fix beacons for parcel partition</li> </ul>
Technical sub-committee and TCPD	<ul style="list-style-type: none"> <li>• Participate in meetings arranged by the village chiefs</li> <li>• Monitor and supervise the land-use planning process</li> <li>• Gather reliable spatial data from the communities for detailed land-use plan preparation</li> </ul>
District spatial planning committee (district assembly)	<ul style="list-style-type: none"> <li>• Maintain local plan at the public data room for public inspection</li> <li>• Receive public complaints concerning local plans</li> <li>• Provide administrative support to the technical sub-committee</li> </ul>
Tertiary actors	
Survey and Mapping Department	<ul style="list-style-type: none"> <li>• Regulate the private surveying firm's practice of cadastral survey</li> <li>• Approve cadastral plan for land registration</li> </ul>
Land Registration Division	<ul style="list-style-type: none"> <li>• Issue title certificates to land buyers</li> </ul>

Source: Qualitative methods and review of relevant literature.

#### 4.6.1.3. The Different Views of Actors in Participatory Land-Use Planning and Cadastral Survey

In this section, we present the different views and assessments of the actors in the land-use planning process and cadastral surveying. In general term, there was a strong feeling of effective collaboration in land-use planning centered on the five elements of collaboration,

namely “information sharing, active engagement, consultation, delivery and monitoring of local citizens” (Chigbu et al., 2017, 2019). The private surveying firm was of the view that it took too much time to explain technical issues of cadastral survey to the local citizens, which suggests information sharing between local citizens and surveyors. He added that the time spent to explain survey issues resulted in a plan implementation delay at the local level (Private surveyor in Tamale, Expert interview, 10.01.21). The surveyor acknowledged that participatory cadastral survey enhanced local knowledge, experience, and skills development, and helped to “obtain relevant spatial data for plot demarcation and the preparation of accurate cadastral plans”. The participatory survey also enabled local landowners to know plot sizes, shapes, and road access to plots (Private surveyor in Tamale, Expert interview, 10.01.21).

Through the collaboration and partnership in land-use planning, the CLS has been able to take inventory of plots in all traditional areas to ensure checks and balances (Official of the CLS in *Bole*, Semi-structured interview, 14.01.21). The TCPD opined that the participatory approach used for land-use planning helped to “record local participants’ concerns, visions, interests and needs into the local plan”, which defused local complaints and acrimony (Director of TCPD in *Bole*, Expert interview, 14.01.21). The village chiefs who were the main architects of land-use planning praised the entire planning and cadastral survey process because it has helped to clarify plot boundaries of individuals and would contribute to reduce scale of land boundary conflicts in the communities (Village chief in *Tinga*, Semi-structure interview, 16.01.21). The village chiefs, however, lamented that the cost of cadastral survey was expensive, and as such, a large track of communal land was not partitioned. Apart from cash, 1% of the 5000 plots demarcated was granted to the private surveying firms as part of the administrative cost, which reduced the quantity of plots available for sale (Village chief in *Tinga*, Semi-structure interview, 16.01.21). The cost of survey has been factored into the price of plots.

Considering that poverty is highest in Northern Ghana, where the majority of the rural population's daily subsistence income falls below \$1 per day, many of the poor small-scale farmers do not have the capacity to buy plots at higher price (Adam et al., 2021). As such, small-scale farmers were of the view that plot demarcations are not pro-poor, notwithstanding that they can help to secure land tenure (Small-scale farmer in *Dokrupe*, FGD, 24.01.21). Small-scale farmers also argued that the private surveying firm pulled down various economic and noneconomic trees and grasses due to the implementation of the plan leading to a severe negative impact on livestock farmers who did not receive compensation packages (Small-scale farmer in *Dokrupe*, FGD, 24.01.21). In response, small-scale farmers had to react by appealing to the village chiefs when their human rights were violated. This led to a 10% reduction in price per plot for them to enable them to buy and regularize and/or formalize land (Small-scale farmer in *Dokrupe*, FGD, 24.01.21). This finding echoes Lanz et al. (2018) who indicate that local small-scale farmers are not passive but active local actors in community programmes or initiatives such as rice cultivation.

#### 4.6.1.4. Participation of Local Actors in Land Regularization and/or Formalization

After the plot partitioning, land buyers are obliged to take steps to regularize land rights at the Customary Land Secretariat at their cost and formalize property rights at the Regional Lands Commission to hold many bundles of sticks or rights (Official of the CLS in *Bole*, Semi-structured interview, 27.01.21). The customary law of the traditional area is that “any land buyer who fails to regularize land rights within 6 months from the date of the allocation paper or fails to develop it within two years from the date of grant will lose the land rights” (Official of the CLS in *Bole*, Semi-structured interview, 27.01.21). The customary law seeks to prevent acquired lands from being idle at the local level. However, “repertoires of domination” by sons of the *Bolewura* (divisional chief) incumbered land regularization efforts at the community

level (Poteete & Ribot, 2011, p. 1). For instance, in 2014, a new customary chief was installed, and the chief's sons sought to hijack the CLS because of the change in "traditional leadership", leading to a build-up of tension among lineage members, albeit latent (Official of the CLS in *Bole*, Semi-structured interview, 28.01.21). The tension led to the shutting down of the CLS for two consecutive years, which negatively affected small-scale farmers' ability to regularize land rights locally (Small-scale farmer in *Tinga*, FGD, 29.01.21). The CLS lock down also made it largely difficult for the small-scale farmers to formalize property (land) rights at the Regional Lands Commission because without the secretariat's plot allocation papers, formalization cannot happen with respect to land acquired from the customary sector.

Land buyers who bypassed the CLS to acquire formal title indicate that the processes of formalization at the Regional Lands Commission is cumbersome, expensive, bureaucratic, and it takes several days to complete the process (Small-scale farmers in *Tinga*, FGD, 30.01.21). Thereby most small-scale farmers with no financial and social capital are unable to formalize property rights. It emerged that rich elites who have acquired several plots along the main streets and farmlands near the government's protected zone used their social connections with state actors at the Regional Lands Commission to obtain title certificates to secure land tenure (Chairman of the land committee in *Dokrupe*, FGD, 30.01.21). In any case, rich elites would have formalized their land rights with or without decentralization due to the economic, political, and social benefits of formal title.

#### 4.6.2. Results of *Talensi*

##### 4.6.2.1. Participation of Local Actors in Land-Use Planning and Cadastral Survey

In *Talensi*, land-use planning is not well-structured and uncoordinated because of the multiple customary authorities who prefer to have land-use planning done separately, which does not bode well for local land administration (Biitir et al., 2017). As such, the village chiefs are

helpless in land control and management because the *tindanas* have taken possession of communal land, decided land-use planning and derived private benefits from ground rent (Sikor & Lund, 2009; Wardell & Lund, 2006). The *tindanas* reiterate that lands in *Talenteng* belong to individuals, families, and clans, with the *tindanas* having the oversight responsibility of such lands and not the chiefs (Awedoba, 2011; Bening, 1995; Kasanga & Kotey, 2001). This view is supported by the Supreme Court of Ghana, which ruled that the *tindanas* are the leaders of their communities and must have control over communal land (Awedoba, 2011; Sikor & Lund, 2009; Wardell & Lund, 2006). Therefore, placing the CLS under the care of customary chiefs is not a proper institutional design that would stand the test of time in this context (Biitir et al., 2017). It also means that the central government did not ask important questions about the nature of land ownership and whether the CLS would be accepted in acephalous communities. The observation echoes Biitir et al.'s (2017) assertion that the participation and consultation processes of the land administration project were not adequate to obtain the needed consensus among the diverse landowning authorities before recommending that the CLS should be replicated across the country.

In the context of rising land values, *tindanas* put their own interests first before those of their subjects using various discourses and diverse institutional environment to legitimize their action (Lanz et al., 2018). As a result, land-use planning is directly playing into the hands of the *tindanas* and strengthening their position in land control. Family heads are also the sole decision-makers of family land disposition, and have legal backing from Act 1036, which permits them to prepare local plans before disposition (Family head in *Gbani*, Semi-structured interview, 20.05.19). Family heads collaborate with the *tindanas*, district assembly, the TCPD, private surveying firms and the Regional Lands Commission for support in local plan development and implementation (Parliament of Ghana, 2020). In this context, there is limited participation of local actors because most of the lands are held by clans and families who have

the leeway to choose who participate in land-use planning (Family head in *Datuku*, Semi-structured interview, 5.06.19).

#### 4.6.2.2. Actors and Their Roles in Land-Use Planning and Cadastral Survey

The roles of the participants were found to be direct in the arena of land-use planning and implementation. The family heads were responsible for sending the applications to undertake local plan to the district assembly for approval as well as employing private surveying firms to demarcate plot boundaries at a fee (Family head in *Datuku*, FGD, 5.06.19). They also organized private meetings with local stakeholders to deliberate on the local plans before implementation. The district assembly reviewed and granted approval to the applications submitted by family heads. Without the district assembly's approval, no local plan would be prepared or executed. The review and approval role played by the district assembly reinforces it as the highest planning authority at the local level (Acheampong & Ibrahim, 2016). The TCPD ensured that planning standards and guidelines were adhered to (Director of TCPD in Togo, Expert interview, 10.02.21). The important role of the private surveying firm cannot be over emphasized because it translated the local plan drawn on paper on the actual ground. The surveying firm recommended that some private structures should be demolished before the plan could be executed. The notion of demolishing local structures was not embraced by most of the local citizens (Small-scale farmer in *Gbani*, FGD, 15.02.21). As a result, various expressions were poured out by the different actors about cadastral survey activities at the local level.

#### 4.6.2.3. The Different Views of Actors in Participatory Land-Use Planning and Cadastral Survey

The various views of local actors were obtained to understand the challenges encountered as well as the prospects for future improvement. It emerged that family heads selected few male adults of the family at the expense of women and children in land-use planning (Small-scale farmer in *Datuku*, FGD, 11.02.21). Under normal circumstances, every community member must be given the leeway to participate and decide what they want their local plan to look like or contain (Acheampong & Ibrahim, 2016). According to the TCPD, there was “no prejudiced interest for them to exclude” some community members in land-use planning (Director of TCPD in *Tongo*, Expert interview, 15.02.21). The TCPD indicates that the decision to include or exclude was the prerogative of family heads even though the district assembly had implored them to ensure the representation of vulnerable members of the community to improve the content of the plan and enhance community ownership (Director of TCPD in *Tongo*, Expert interview, 15.02.21). The situation where planning authorities exclude some vulnerable community members in land-use planning may lead to a lack of community ownership and thus result in sustainability crisis (Adam et al., 2021; Asiama et al., 2017).

The deficiency of participatory planning led to the production of a layout which did not take into consideration pre-existing structures leading to their demolition to pave the way for plan implementation (Surveyor in *Bolgatanga*, Expert interview, 21.02.21). Consequently, the public relation and complaints committee of the district assembly has been inundated by several complaints from the local citizens concerning the output of the surveying firm (Coordinating director in *Tongo*, Expert interview, 22.02.21). It looks like the hands of the district assembly are tied because they must adhere to the central government’s policy of non-interference in customary land affairs (Lanz et al., 2018; Ubink & Amanor, 2008). The *tindanas* and family heads are aware of the inability of the district assembly to pin them down and therefore, they

sometimes deal directly with the Regional Lands Commission in local land matters by directing land buyers to the Regional Lands Commission for title certificate.

#### 4.6.2.4. Participation in Land Regularization and/or Formalization

Even though plot demarcations aim to improve the security of tenure of small-scale farmers, the number of plots for the small-scale farmers reduced after the work of the surveying firm. Small-scale farmers were required to purchase the plots at the prevailing market price before regularizing or formalizing land rights. The existence of multiple customary authorities and the lack of recognized local structures for local land regularization create problems for small-scale farmers. Within clans and families, lineage members are competing among themselves for authority to sell and register land rights locally (Yaro, 2012). Similarly, customary chiefs and *tindanas* are competing in land regularization because of the fees associated with it (Small-scale farmer in *Datuku*, FGD, 25.02.21). In 2018, the *tindanas* stopped cosigning land documents for regularization with the customary chiefs (*Tindana* in *Datuku*, Semi-structured interview, 25.02.21). The *tindanas*' fears and suspicions are that, by allowing customary chiefs to cosign land documents, for instance, the descendants of these customary chiefs would arrogate to themselves the allodial title in the future (Biitir et al., 2017). It also implied that the capacity of the future children of the *tindanas* to maintain allodial title may be terminated, resulting in a gradual loss of social and material security that is often associated with allodial landholders (Biitir et al., 2017). It is in the light of the above that no *tindana* would want to accept subordination regarding customary land administration (Biitir et al., 2017). No wonder that the *tindanas* have retained their prerogative to allocate land and do not want to relinquish a part of the rights, obligations, or responsibilities with any customary authority (Table 8). In effect, customary chiefs failed in their bid to usurp land control in acephalous society (Wardell & Lund, 2006).

The competitions among customary authorities (e.g., *tindanas*, customary chiefs, clan, and family heads) arise because there are no clear guidelines in the distribution of power and responsibility at the local level. Besides these challenges, the elitism within the land administration and affordability issues dissuades small-scale farmers to formalize land rights at the Regional Lands Commission, which threatens security of land tenure (Coordinating director in Tongo, Expert interview, 27.02.21). The comparative analysis of the case studies and the emerging issues are discussed in the following section.

Table 8: Summary of comparative analysis

<b>Issues</b>	<b><i>Bole Case</i></b>	<b><i>Talensi Case</i></b>
Land-Use Planning	<ul style="list-style-type: none"> <li>• High collaboration and partnership among local actors</li> <li>• Local skills, knowledge, and experience development</li> </ul>	<ul style="list-style-type: none"> <li>• Carried out by family heads</li> <li>• Restricted participation to male adults</li> </ul>
Cadastral (land) survey	<ul style="list-style-type: none"> <li>• Minor errors due to participation of local actors in land-use planning</li> <li>• High cost</li> <li>• Technical and complex</li> </ul>	<ul style="list-style-type: none"> <li>• High irregularities due to lack of local participation</li> <li>• Many complaints of survey outputs</li> <li>• Recommended the demolishing of structures</li> </ul>
Land sector agencies	<ul style="list-style-type: none"> <li>• Enhance supervisory and monitoring power over customary land practices</li> </ul>	<ul style="list-style-type: none"> <li>• Regulate customary land and natural resource management</li> </ul>
Customary authorities	<ul style="list-style-type: none"> <li>• Local competition among lineage members led to the shutdown of the CLS for 2 years</li> <li>• Achieved compromises</li> <li>• Have knowledge about plot size, number, and shape for accountability and transparency</li> </ul>	<ul style="list-style-type: none"> <li>• Competition among family members and between customary chiefs and <i>tindanas</i></li> <li>• No compromises made</li> <li>• The <i>tindanas</i> have gained control over land management and benefit ground rent (Awedoba, 2011; Kasanga &amp; Kotey, 2001; Wardell &amp; Lund, 2006)</li> </ul>
Small-scale farmers' land rights	<ul style="list-style-type: none"> <li>• Difficult to regularize land right due to closure of CLS</li> <li>• High cost, bureaucracy and “unnecessary” documents required discourage property rights formalization at the RLC</li> </ul>	<ul style="list-style-type: none"> <li>• No identifiable local structure to regularize land rights at the local level</li> <li>• Too many complaints of elitism within the land administration sector</li> </ul>

Source: Qualitative methods and review of relevant literature.

#### 4.7. Discussion: Competition in Decentralized Land Administration and Management

This section analyzes and discusses the politics of decentralization in land administration and management in Ghana. Decentralization proponents often assume that the withdrawal of the central government from the local level would lead to the empowerment of local citizens through participation in land administration and management and ultimately improve tenure security through regularization and formalization of property rights (Bruce & Knox, 2009; Fosudo, 2014; Graglia, 2002; Gwaleba & Chigbu, 2020; Hung, 2017; Toulmin, 2000; van Leeuwen, 2017). Local participation in decentralized land administration is underpinned by “the norms and values of equity, effectiveness, efficiency, power distribution and sustainability” (Getzner, 2014; Rouillard, Reeves, Heal, & Ball, 2014). In theory, local participation in land administration is contingent on the specific institutional arrangement (or design) and how it alters power and distribute responsibilities (Faguet, 2014; Fischer & Ali, 2019; Poteete & Ribot, 2011; Ribot et al., 2010; Stoa, 2014).

Our case studies show that the institutional arrangement that performs customary land administration and management function is the Customary Land Secretariat (Anaafo, 2015; Biitir et al., 2017; Biitir & Nara, 2016; Bugri, 2012; Kasanga & Kotey, 2001; Lanz et al., 2018; Ubink & Amanor, 2008). The Customary Land Secretariat collaborates with the state land sector agencies (e.g., the district assembly/spatial planning committee, the TCPD and RLC) and non-state actors (e.g., private surveying firms) and are expected to play a complementary role in land administration practices to create more effective checks and balances (Chigbu et al., 2017; Julstad & Ericsson, 2001; Lee et al., 2019; van Leeuwen, 2017). However, in practice, decentralization has increased local competition among local actors in land administration with unintended consequences on the land rights of small-scale farmers. The findings concur with Van Leeuwen (2017) who show that in Uganda, decentralization “adds to institutional multiplicity and fuels competition among state and non-state authorities and about the rules

they apply” (p. 208). As a result of the local competition, decentralization has limited impacts in connection with securing the land rights (tenure) of small-scale farmers. The CLS set up for decentralized land administration and management in *Bole* for example has been realized only to a limited extent because it is inaccessible to local small-scale farmers. In effect, decentralization of land administration and management only benefits customary authorities who use the CLS to reinforce their position (Ensminger, 1992; Haller, 2013, 2016; Lanz et al., 2018; Sikor & Lund, 2009; van Leeuwen, 2017) and contribute to commercialize land regularization and formalization thereby reducing the feelings of tenure security among those who cannot afford the new land administrative services because of the elitism and bureaucracy within the land administration domain (Boamah, 2014). In Ghana, the laws that regulate land survey practices (e.g., the 1962 Survey Act 172, the 1989 Survey Regulations Legislative Instrument 1444, and the 2008 Lands Commission Act 767) and title registration (e.g., the 1962 Land Registry Act 122, the 1986 Land Title Registration Law 152, and the 2020 Lands Act 1036) are too complex and contradictory (Asiama et al., 2017; Chigbu et al., 2017; Gwaleba & Chigbu, 2020).

To this end, some scholars propose new approaches to strengthen the land rights or tenure security of marginalized small-scale farmers through “formalized arrangement for collective tenure (FACT)” that builds on existing common property relations as the way forward for inclusive land development (Adam & Gerber, 2021). As an institutional innovation, FACT can guarantee collective ownership of land to local communities, whilst accommodating the different land-use interests of the different actors involved in the land through contractual partnership and collective decision-making over distributive outcomes (Adam & Gerber, 2021). Perhaps a proposed innovative institutional arrangement based on collective tenure could provide a better approach for obtaining a better impact of decentralization initiatives at the local level. Through FACT, strategies of democratic decision-making and the inclusion of

marginal groups and gender sensitivity in land development, the democratic procedures of land administration and management could be upheld, ensuring that checks and balances in land are put in place and that nondemocratic decision-making processes leading to elite capture are forestalled (Adam & Gerber, 2021). Through such newly adopted formalized collective tenure-based land administration, decentralization could transform nondemocratic customary institutions into democratic apparatuses for land administration.

#### 4.8. Conclusion

Decentralization policy forms part of a broader global ideology and effort of the donor international community in support of the principle of subsidiarity to improve local participation in land administration and management (Bruce & Knox, 2009; Gwaleba & Chigbu, 2020; Hung, 2017). We have demonstrated how decentralization in land administration and management failed to foster local participation. We have shown that land-use planning and cadastral survey are the key component of land administration and management (Acheampong & Ibrahim, 2016; Gwaleba & Chigbu, 2020; Julstad & Ericsson, 2001). Furthermore, the case studies show that customary authorities are strategic actors and behave rationally in land administration and management in the context of legal pluralism by performing institution shopping to increase control over land (Ensminger, 1992, Haller, 2013, 2016; Lanz et al., 2018; Sikor & Lund, 2009; Swenson, 2018; van Leeuwen, 2017). These elites whose interest are well-represented through the Customary Land Secretariat might see decentralization as a success even though it increases local competition. Nevertheless, actual results, such as the empowerment of small-scale farmers in terms of safeguarding their land rights are still lacking (Hilhorst, 2010; Ribo et al., 2010; Toulmin, 2000; van Leeuwen, 2017). Local competition and elitism within the land administration domain could be the perils towards decentralization reforms.

Our empirical analysis also shows that decentralization in Ghana is paradoxical because competences are transferred to the land sector agencies, customary authorities, and their local structures. The nondemocratic practices of the customary authorities including the absence of checks and balance weakens democracy and heighten local competition in land administration. We strongly suspect that decentralization might have been embraced with undue swiftness under the pressure of international donors because central questions have not been asked, such as the issue of the reinforcement of nondemocratic customary authorities in land administration.

Instead of proposing decentralization reforms for land administration to improve the formalization of property rights and land title, we ask, has the time not come to question this broad objective? As a response, Ostrom (1990) has already clearly shown that there is a range of options between pure state property and pure private property, of which customary clan property used to be. To avoid another wave of enclosure, which is detrimental to majority, except for a few elites (Polanyi, 1957), it is also necessary to go beyond conventional models of individualization to test formalized collective common property (i.e., collective land titling)—which has been neglected, perhaps due to ideological reasons.

## Chapter Five

### Decentralization for Increased Sustainability in Natural Resource Management? Two Cautionary Cases from Ghana<sup>9</sup>

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## 5.1. Abstract

In Sub-Saharan African countries, governments are increasingly devolving natural resource management from central administration to the local government level as a trend toward subsidiarity. In parallel, efforts to implement formalization processes have resulted in a puzzling institutional arena, wherein mixed actors are struggling to influence the paths of institutional change and the associated distribution of land and land-related resources. Relying on political ecology and new institutionalism in social anthropology, we investigate how the decentralization of formalization of rights in artisanal and small-scale gold ore mining can lead to paradoxical outcomes, often negatively impacting social, economic, and environmental sustainability. Two comparative case studies are performed in Ghana. Our results show that the negative effects of formalization efforts for resource end users are to be understood in the broad context of actors' repositioning strategies following the selective implementation of decentralization. The authors conclude that increasing the power of the central government and line ministries to control local resources can influence the disenfranchisement of local people's participation and control of natural resources, resulting in a relentless environmental crisis.

Keywords: artisanal mining; conflict; decentralization; formalization; sustainability

## 5.2. Introduction

The World Bank and other international donor communities have often supported decentralization of “natural resource management (NRM)” based on the assumption that it would bring governance down to local level actors and generate a range of positive outcomes, including ecological sustainability and poverty reduction (Agrawal & Ostrom, 2001; Larson & Ribot, 2004; Smoke, 2003). However, research on decentralization mostly focuses on organizational issues and less on outputs and consequences in terms of sustainability (Verbrugge, 2015). In this paper, we investigate the mechanisms of formalization initiatives to

show how the decentralization of the formalization of rights in “artisanal and small-scale gold mining (ASM)” can lead to paradoxical outcomes, often negatively impacting social, economic, and environmental sustainability. In the last two decades, developing countries have been implementing new global trade rules and the formalization of rights to respond to the menace of informal ASM in resource management and use (Hilson, 2017; Putzel, Kelly, Cerutti, & Artati, 2015; Wynberg, Laird, Niekerk, Kozanayi, 2015). Even though the existing literature on the formalization of mining rights is extensive and focuses particularly on obtaining credit, some authors (Putzel et al., 2015; Wynberg et al., 2015) have raised critical issues about the inadvertent consequences that can stem from such a drive. In particular, there is a growing critique that formalization can exacerbate inequities and heighten conflicts between local resource users and state regulators over unpaid fees and taxes (Wynberg et al., 2015; Spiegel, 2015). There has also been a critique of formalization having a negative impact on peasants’ livelihood and environmental quality (Perreault, 2012). These concerns have been driving forces behind international efforts to establish new rules, norms, and institutions governing responsible gold mining practices (Hilson, 2017).

At the same time, Western private-sector organizations, such as RESOLVE and the Alliance for Responsible Mining, introduced the “Code of Risk mitigation for Artisanal and small-scale miners engaging in Formal Trade (CRAFT)” to improve the social, economic, and environmental performance, transparency, and market acceptability of the ASM sector and the traceability of artisanal gold (Putzel et al., 2015; Spiegel, 2015; Wynberg et al., 2015). However, formalization and CRAFT are contested in some jurisdictions, including Ghana, because sustainability improvement remains slow (Wynberg et al., 2015).

Relying on a new institutionalist approach and insights from political ecology, our research analyzes the effects of formalization measures as well as their institutional mechanisms in Ghana. We ask: how is it to be explained that, paradoxically, the

decentralization of the formalization of rights in ASM has promoted informal ASM, often referred to as *galamsey*, in Ghana, leading to a negative impact on social, economic, and environmental sustainability? Which strategies do local resource users develop for and against informal ASM? We follow three lines of arguments: firstly, we demonstrate that the negative effects of formalization initiatives are to be understood in the broad context of actors' repositioning strategies, following the selective implementation of decentralization in Ghana. Secondly, we argue that the negative impact on social, economic, and environmental sustainability of formalization initiatives might result from some of the inherent characteristics of the CRAFT. Thirdly, we illustrate that the consequences of formalization initiatives will force local resource users to switch to more marginal resources, which are then overexploited and further threaten resource sustainability.

Ghana makes an interesting case study to critically analyze the intertwined relationship among decentralization policy, mining title formalization, and CRAFT because of the prominent role that they play in current NRM practices. Like many Sub-Saharan African countries, the exploitation of gold ore in Ghana is shaped by three main sources of formal rules, including public policies, mining concession, and customary law. Customary law governs surface land rights while statutory laws and regulations govern subterranean mineral resources, leading to a situation where gold ore mining is the result of the interactions of customary law and government laws and regulations. This affects the governance and coordination of mineral wealth exploitation, which can positively or negatively affect resource sustainability (Eufemia, Bonatti, Sieber, Schröter, & Lana, 2020; Gerber, Knoepfel, Nahrath, & Verone, 2009; Haller, 2007; Lundsgaard-Hansen, Schneider, Zaehring, Oberlack, Myint, & Messerli, 2018).

The following section 5.3 presents the contradictory incentives resulting from the dual existence of so-called customary laws and government laws and regulations in NRM. Section 5.4 provides the materials and methods. In Section 5.5, we explore decentralized NRM through

the lens of two case studies in Ghana. Section 5.6 presents the main empirical findings. In Section 5.7, we discuss our study hypotheses, and provide a conclusion in Section 5.8.

### 5.3. Theoretical Framework, Contextual Factors, and Working Hypotheses

#### 5.3.1. Aligning the New Institutional and Political Ecology Perspectives

We rely on political ecology (Robbins, 2012) and components of the new institutionalism in social anthropology (Ensminger, 1992; Haller, 2007; Haller, 2019) as a heuristic and conceptual approach to analyze redistribution processes associated with decentralization of NRM and the consequences on social, economic, and environmental sustainability. In the context of legal pluralism and the acknowledgement of different actors' powers and interests in NRM in Ghana, bringing together the two approaches is apt in the sense that the New Institutionalism defines concepts of the interrelations of factors leading to institutional changes and describes the use and overuse of surface and underground resources, while political ecology brings in a concrete analysis of power held by local power-holding actors, state agencies, and multinational entities.

Institutions—"the rules of the game"—regulating resource management and use constantly arise in a given historical, political-legal, and socioeconomic context, which is shaped by power relations that political ecology focuses on describing (Gerber & Haller, 2020). To this end, new institutionalism in social anthropology (Ensminger, 1992; Haller, 2019) shows how internal and external market forces and the dynamics of the resource context for ASM lead to rationale strategies and forum/institution shopping (selection of customary and statutory rules and regulations) by actors competing for access to land for mining and the arrangement that distributes resources unevenly. This variant will direct our analysis on how decentralization in NRM phases out or diminishes constraints (high transaction costs) and enhances resource users' incentives to access and invest in land and land-related resources. It

will add to our understanding of how mining rights can be structured to avert externalities to resource owners and the society at large.

Political ecology (Robbins, 2012) offers a concrete analysis of power relations and focuses on who receives what and when and the corresponding winners and losers. The perspective will help us understand the “agency of social groups in the redistribution processes occurring in decentralization of NRM” by examining the narratives “including materialist aspects (price of input, market selection, struggle for survival)” and counter-narratives “including idealist aspects (beliefs, framing struggles, networks)” (Geels, 2011; Koch, 2008) and how unequal relations of power create a situational rationality that forces local resource users to destroy their environment.

### 5.3.2. The Main Mining Regulation Efforts Since Colonial Era

Since the British colonial administration in Ghana, minerals and mining legislations have been initiated by successive governments to enable actors to gain, control, and maintain access to resources and ensure responsible mining. In Northern Ghana, the colonial administration enacted the Mineral Rights Ordinance, which vested all mineral rights in the British crown (Ntewusu, 2015). The ordinance empowered the governor to restrict local chiefs from granting concessions, regulate the use of mercury in gold mining, and constrict the mining rights of Indigenes. The exclusionary measures marked the beginning of informal ASM, which became a major threat to European mining concessions, rural inhabitants, and the ecosystem of local communities.

Soon after Ghana’s independence in 1957, several laws and regulations were enacted to consolidate state control of mineral wealth (Hilson, 2017; Ntewusu, 2015). Article 257(6) of the 1992 Constitution upheld that “every mineral in its natural state . . . is the property of the Republic of Ghana and shall be vested in the President on behalf of, and in trust for the people

of Ghana”. Therefore, the state is the ultimate owner of mineral resource wealth and shall be in full control and supervision of the exploitation, development, processing, and utilization of any mineral in water and above and under any land surface thereof. The Ghanaian President can vest authority in the appointed Minister of Lands and Natural Resources to administer and dispose of the state’s mineral resource reserves.

Following Ghana’s economic stagnation in 1970–1980, the World Bank and the International Monetary Fund introduced the “structural adjustment program (SAP)” to revive the mining sector. Subsequently, the Minerals and Mining Law of 1986 was enacted, which provided mine incentives to attract foreign mining investors to Ghana. The law criminalized ASM and provided multinational corporations an avenue to exploit vulnerable communities and pushed local citizens to shift to marginal and progressively diminishing parcels of land for their livelihood.

In 1989, three additional legislations were enacted: the Mercury law—“Provisional National Defence Council Law (PNDCL)” 217—regulates the use of mercury in gold mining, the “Precious Minerals Marketing Corporation (PMMC)” law (PNDCL 219) provides official marketing channels for gold produced by miners in Ghana, and the Small-Scale Gold Mining law (PNDCL 218) was the first attempt to introduce a license system and district assistance centers to regulate ASM. In 2006, the Minerals and Mining Act (Act 703) was passed to enhance tenure security and eliminate barriers to improve sustainability. Section 83(a) emphasizes that only adult Ghanaians (18 years and above) can be granted a license for ASM operations. Additionally, Act 703 recognizes the role foreign mining companies can play in the area of mine support services to concession holders.

Under Act 703, artisanal and small-scale miners can apply for a concession of 25 acres (10 hectares) of land in designated areas of a district through the “Minerals Commission (MC)”. Current estimates are that less than 30% of artisanal and small-scale miners have a license

(Crawford, Agyeyomah, Botchwey, & Mba, 2015). The large majority who remain informal draw on the customary institutional framework to legitimize their claim to land and related resources, which results in conflicts between them and concession holders. In this context, mining rights and access are about relations among social actors involving benefits or values, including appropriation, accumulation, transfer, and distribution. In the past 15 years, efforts to consolidate decentralization have increased to improve the access and control of ASM in Ghana.

### 5.3.3. Decentralization Efforts in Ghana

In Ghana, the move towards decentralization involved efforts to shift control over NRM to a range of local government actors (Larson & Ribot, 2004; Verbrugge, 2015). The changes in rights and powers in NRM are supported by the argument that there will be an increase in local control over resources—whether in the hands of user groups or Indigenous communities—and is therefore a good thing (Venugopal, 2014). For example, in Ghana’s forest management strategy, the central government backs user groups over elected local governments to govern forest reserves, thus empowering traditional nondemocratic authorities over forests (Wardell & Lund, 2006).

In the late 1980s, the PNDCL 207 was enacted to grant local government—“Metropolitan, Municipal, District Assemblies (MMDAs)”—significant discretion over mediation in disputes as well as the right to issue business permits to owners of processing facilities, to enforce environmental laws, and to stipulate that any project or program that may cause air, soil, and water pollution; resource depletion; climate change; or the loss of biodiversity requires the approval of the affected MMDAs (Verbrugge, 2015). In addition, the MMDAs are entitled to a share of the resource revenues, royalties, and ground rents from

activities involving the development of mineral resources within their territorial jurisdiction. Moreover, the PNDCL 207 grants control over small-scale gold mining in the MMDAs.

In response to the growing grievances of informal ASM in the early 1990s, the MMDAs established checkpoints to collect tax revenues to address the environmental crisis resulting from ASM. This strategy was short lived as the national government enacted Act 490 to grant the “Environmental Protection Agency (EPA)” the power to issue environmental permits to any project likely to have a potentially adverse impact on the environment. The EPA appears to promote this specific policy measure in favour of an eco-rent development interest to reinforce their own benefits. While the EPA short-term profit maximization objectives take the upper hand, environmental degradation continues to increase. Comparing the 1990s to today, environmental degradation and water pollution have worsened in an unprecedented manner, which raises concerns about sustainability challenges.

#### 5.3.4. Sustainability Challenges in Ghana

Sustainability in this context refers to the adoption of practices in the mining operations stage that results in environmental and social advancement with the aim of diminishing negative impact, while maintaining the health and safety of mine workers, the interests of diverse stakeholders, and the affected communities, in order not to endanger the potential needs of future generation (Gorman & Dzombak, 2018). Since the 1987 Brundtland Commission, the 1992 Rio Earth Summit, and the 2030 Agenda on Sustainable Development, the government of Ghana has taken initiatives in response to the grievances in the extractive sector that are being described as antithetical to sustainability to make communities inclusive, safe, and resilient.

Apart from the government’s environmental laws and the formalization of mining rights, other international socioecological labelling and certification organizations introduced

initiatives to promote equitable and sustainable exploitation of mineral resource wealth (Putzel et al., 2015; Wynberg et al., 2015). One of such initiative is CRAFT, which facilitates engagement between downstream supply chain actors and upstream ASM producers to source gold in conformance with the Organization for Economic Cooperation and Development Due Diligence Guideline. CRAFT enables ASM producers to participate in international markets since many gold buyers in the global North and environmental activists have associated responsible gold mining practices with healthiness and environmental sustainability (Putzel et al., 2015).

However, in recent years, Ghana's mining sector faces difficult sustainability challenges because of the growing social and environmental grievances, human rights abuses, and lack of health and safety measures in mines. Studies (Kervankiran, Dziwornu, & Temurcin, 2016; Moomen & Dewan, 2016) of mining operations in Ghana showed that the forest cover (~2.51 million hectares) and green vegetation have been removed due to open pit mining activities, which imperils the surface land to water erosion, resulting in loss of nutrient-rich topsoil. With this background in mind, we formulate two broad working hypotheses that will not be tested statistically but will provide guidance for our data collection and discussion to answer the research questions.

#### 5.3.5. Working Hypotheses

The H1 presents how the decentralization process is envisaged to work according to its proponents. The H2 builds on insights from political ecology and new institutional economics to politicize the redistribution of use rights to resources resulting from decentralization efforts. H2 therefore focuses on actors' strategies and power games in decentralization.

Hypothesis 1 (H1). *Decentralization in NRM will lead to positive social and environmental outcomes. As decentralization empowers Indigenous and local communities through a more direct involvement in NRM, local citizens are incentivized to create and implement transparent social and environmental standards themselves—devoid of external influence—and perform downward accountability, leading to sustainability and equity in benefit sharing.*

Considering that actors do not stand idly by while mining procedures are being decentralized, we expect that H1 might not fully capture the processes at play.

*Hypothesis 2 (H2). Together with CRAFT, the decentralization of procedures in ASM leads to different actors repositioning their strategies to promote their interests and increase their bargaining power, which ultimately leads to a negative impact on social, economic, and environmental sustainability. This is to be explained by the following mechanisms:*

1. Central government actors will not let their responsibilities go to local people. As national authorities have agency, they will reinforce a neopatrimonial political culture to take advantage of public positions for private gains. This takes the form of noninterference where informal activities are tolerated, leading to resource over exploitation and environmental crises.
2. Decentralization in NRM enables newcomers to gain access to local resources, leading to conflicts between newcomers and locals. As newcomers usually have exclusive rights to land and related resources guaranteed by the state due to their financial and political capital, they will enclose “common-pool resources (CPR)”—i.e., resources (e.g., irrigation water, pastures) whose uses are competitive and whose characteristics make it difficult to prevent newcomers from using them. This will compel the excluded locals to shift to more marginal land resources, which are then overexploited to make income. Under these

circumstances, anger will set in among locals who are willing to fight newcomers over CPR that are becoming increasingly scarcer.

3. The neoliberal nature of CRAFT may lead to unwanted outcomes. As CRAFT enables resource exploiters to participate in international markets, local structures and organizations that regulate internal markets are bypassed, resulting in revenue loss, and thereby endangering state land reclamation activities.

## 5.4. Materials and Methods

### 5.4.1. Study Design

We rely on a comparative case study strategy to gather the empirical materials to discuss our research hypotheses (Yin, 2018). The strategy can help us to interrogate the differences, but also the similarities, of whether the policy tools to address sustainability in ASM are appropriate.

### 5.4.2. Case Selection

For comparative analysis, we selected cases from *Bole* (Figure 5) and *Talensi* (Figure 6), which constitute two different administrative regions in Ghana. In both case study areas, informal ASM are managed *de facto* by customary systems that operate in parallel to government laws. Customary systems themselves differ substantially, in the extent to which traditional beliefs, norms, and values govern resource use, and regarding the role and legitimacy of customary authorities: the *Bole* case in the Savannah Region is characterized by a hierarchical and nondemocratic customary system with allodial titles vested in customary chiefs through a formal recognition of the “Customary Land Secretariat (CLS)”. The CLS is a local or traditional land governance structure established by stool, skin, clan, or family that owns land within the MMDAs with the technical support of the regional “Lands Commission (LC)” and

district “Office of the Administrator of Stool Lands (OASL)”. Stool or skin describes the symbol of authority of customary chiefs. Any authority responsible for the management of stool, skin, clan, and family land is a fiduciary mandated with the obligation to discharge customary land management functions for the benefit of the subjects of the stool, skin, clan, or family and must be accountable as such. The CLS is responsible for maintaining accurate records of land transactions and facilitates the settlement of land disputes through alternative dispute resolution. The MMDAs Stool Lands Officer is to ensure that the CLS complies with its mandate, including the submission of land transaction records to the LC and OASL at the end of every half year.

The *Talensi* case in the Upper East Region is a so-called acephalous customary system, which in recent years came to be characterized by competing claims of authority by customary chiefs and *tindana* (earth priests) over customary land management functions. The imposition of customary chiefs in *Talensi* during the era of the British colonial administration, which continues today under the guise of the contemporary independent African state, has created tension between customary chiefs and others (Mamdani, 1996; Sikor & Lund, 2009). Such a struggle for authority over customary land is exacerbated with the increasing importance of ASM in the area, making the case uniquely complex and interesting for understanding dynamics of NRM at the local levels. In contrast, *Dokrupe* and *Tinga* in *Bole* present a case of a well-structured customary land management system where a significant share of the existing mining activities takes place on an ASM basis with less tension and conflict over the decentralized system of NRM at the local level (Verbrugge, 2015). Unlike the *Talensi* where high intracommunity conflicts and tension engulf the communities constituting our chosen cases (i.e., *Datuku* and *Gbani*), the selected communities in the *Bole* case are peaceful. This makes it interesting for a detailed comparative analysis.

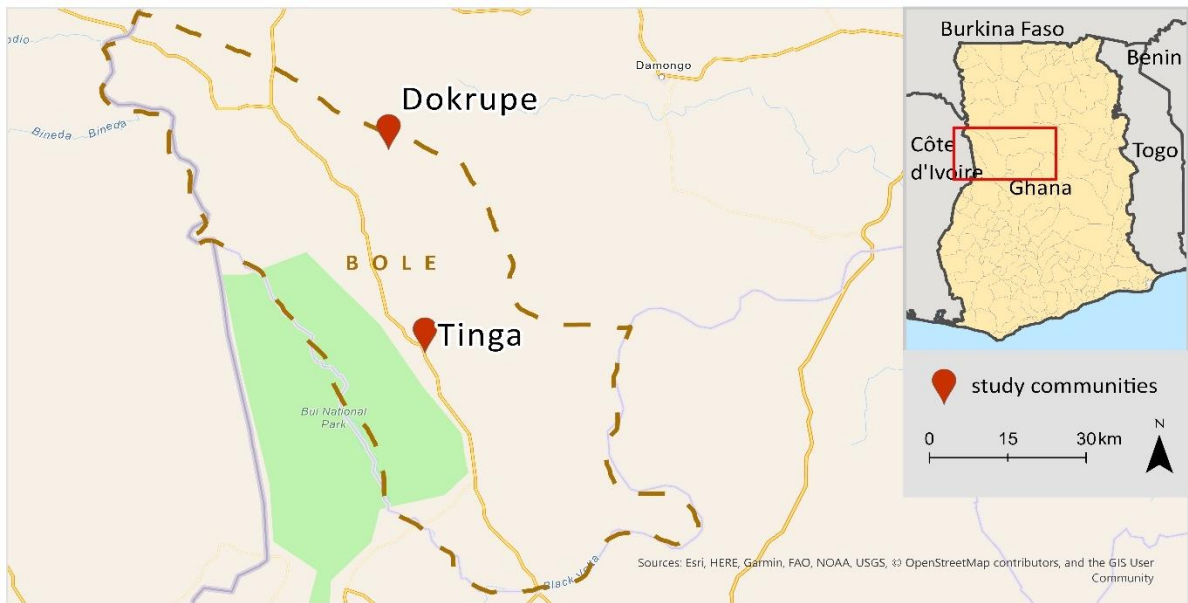


Figure 5: Location of study communities in the administrative map of Bole.

The population of Dokrupe is 2096 and of Tinga is 2948. Acute water shortage, land degradation, deforestation, and informal ASM are major challenges local communities face (Ntewusu, 2015).

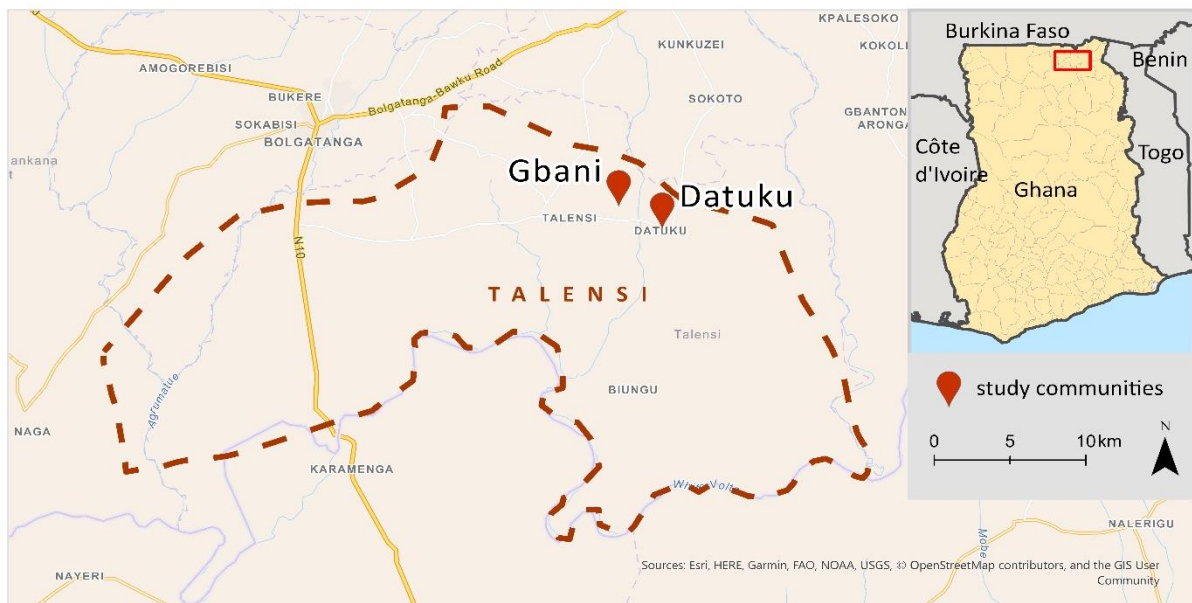


Figure 6: Location of study communities in the administrative map of Talensi.

The population of *Datuku* is 1974 and of *Gbani* is 2833. Encroaching desertification, prolonged drought, and land resource conflicts are the main problems of the communities (Renne, 2015).

### 5.4.3. Methods

We carried out our data collection from February to May 2019 and November 2020 to February 2021. We commenced data collection at the national level, then moved downwardly to regional, district, and community levels. Unlike quantitative research where the selection of respondents is based on the representation of the population, we carefully identified and selected our respondents from each of the levels based on their unique knowledge of our research questions (van Leeuwen, 2017). Our data was drawn from a variety of sources founded on a mixed-method approach widely used in social anthropology and human geography (Gerber & Haller, 2020). At the national level, we held expert interviews with six senior government authorities at the “Ministry of Lands and Natural Resource (MLNR)”, the “Geological Survey Authority (GSA)”, the MC, and the PMMC in Accra. This yielded data on the history of mineral resource governance, evolution, and rationale of formalization, evolving institutional arrangements, and practices and challenges of regulations and access to small-scale gold licenses. In addition, the first author participated in a national conference on ASM in Accra on 14–15 May 2019 that brought together development practitioners and government officials at different levels. This exposure provided opportunities for informal conversation and participant observations of policy implementation and local debates on Ghana’s ASM policy and regulatory regime with a focus on gold over a longer time span. At the regional level, we interviewed six senior officers at the LC, the *Wa* and *Bolgatanga* MC, and the EPA, which yielded data on changes in land tenure, surface land governance, ground rents, access to compensation, and access to environmental and social permits.

In *Bole*, we conducted interviews with the “District Chief Executive (DEC)”, five administrative heads of the “District Assembly (DA)”, the Department of Agriculture (DoA), the “Community Water and Sanitation Agency (CWSA)”, and the CLS and ASM associations for different perspectives on decentralized NRM and local resource users’ compliance with

national environmental laws and local bylaws. In *Dokrupe* and *Tinga*, the selection of respondents typically proceeded based on “snowball sampling”, which taps local contacts and existing respondents to identify other respondents (Verbrugge, 2015). Data collection from this category of respondents drew on insights from the life-course methodology, which uses subjective life accounts as an analytical entry point to understand broader processes of political and institutional change (Locke & Lloyd-Sherlock, 2011). Thus, we held semi-structured interviews with two local chiefs, two gold committees, four community leaders, two assembly members, and eight unlicensed local resource users. This generated narratives of claims of above- and underground resources, license and permit acquisition, and gold trade and sustainability issues, including miners’ rights, community welfare, use of natural resources, emissions and land reclamation, and firm governance. Additionally, questionnaires were administered to 50 household heads separately for settlers and Indigenes by trained enumerators, which gathered data on the impact of ASM on household members. We conducted “focus group discussions (FGD)” separately for settlers, Indigenes, and youth. The FGD gathered a total of 55 participants comprised of people either engaged in or directly affected by ASM. The FGD provided details about the practices, perceptions, and pitfalls in the implementation of ASM licensing, access to surface land rights and concession, and local counterclaims and the construction of resistance identities.

Finally, we visited two streams, two mining and processing sites, and two unlicensed gold trading shops to observe daily human interactions, actions, and behaviour in relation to the physical environment and material objects. In *Talensi*, we interviewed the DCE, four administrative heads of the DA, the DoA, the CWSA, and the ASM association. We held semi-structured interviews with two local chiefs, four landowners, two assembly members, and eight unlicensed and three licensed local resource users (including one representative from “Shaanxi Mining (GH) Company Ltd. (SMCL)”) and conducted biographic interviews with mine

workers. Furthermore, FGDs were held with eight members of the “Movement of *Gbani* People for Justice (MGPJ)”, seven members of the union of *tindana*, and community members. Key insights were also gained through attending two community meetings with villagers, MMDAs authorities, and development workers. Causal interactions with key stakeholders in these meetings also informed the arguments and analysis in this paper. Trained data enumerators administered questionnaires to 50 household heads. We visited one stream, two licensed and unlicensed mining and processing sites, and two licensed gold trading shops.

#### 5.4.4. Data Process, Analysis, and Presentation

Data gathered from expert interviews, semi-structured interviews, biographic interviews, FGD, and observation were recorded in field diaries and notes. We organized and coded the data according to recurring themes and key concepts, such as power, participation, and sustainability of mine operations, to make our analysis. We reclassified sustainability issues into social, economic, and environmental dimensions. We then presented our respondents’ narratives, life stories, and interpretation. In this paper, generalizations are mainly based on informed assessments and perceptions of our respondents, rather than on quantitative analysis. In the following section, we outline the contexts of the two case studies.

#### 5.5. Case Study: Decentralized Mineral Resource Governance

In both the *Bole* and *Talensi* case studies, we describe governance changes from the colonial to the postcolonial era, including programs to centralize, democratize, and decentralize NRM and economic and land reform policies with far-reaching effects.

### 5.5.1. Community Mining Program in *Bole*

Historically, the Indigenous peasant communities were granted rights to land and water through agrarian reforms beginning in 1962. This led to the production of food and cash crops for subsistence and income. Households watered livestock and crops from village streams. However, the benefits of the rights began to be divested through relentless processes of environmental deterioration due to informal ASM. Mining activities and related environmental degradation have waxed and waned since the early twentieth century but have increased significantly during the past decade, with a rise in the price of gold (Perreault, 2012).

The colonial administration granted mining concessions to six European mining firms (Ntewusu, 2015). Social and environmental concerns were key to the functioning of mines. Therefore, formal rules were instituted by Regional and District Commissioners to ensure the safety of the environment and of the people living around mining areas. District Commissioners had the right to revoke prospecting activities if such would affect livelihoods and bodies of water (Ntewusu, 2015). By the time of Ghana's independence in 1957, almost all European mining firms had ceased mining operations in Northern Ghana and paved the way for the involvement of artisanal miners.

Currently, there are over 20,000 people from relative low-income groups who derive their means of livelihoods, income, and employment from informal ASM (Ntewusu, 2015). This is due to the negative effects of the implementation of the SAP. Act 703 clearly states that artisanal and small-scale mining is reserved for Ghanaians. Yet, a very notable phenomenon has occurred in the past decade with the high participation of foreign miners in informal ASM. Recognizing that informal ASM provides employment, income, and livelihood to most of the rural poor population, the national government launched a community mining program (i.e., semilegal mining), which focuses on protecting the environment and livelihoods of local communities.

### 5.5.2. Artisanal and Small-Scale Mining in *Talensi*

When a gold ore deposit was discovered and exploited by residents in 1994, miners negotiated directly with customary authorities, bypassing the MC to grant permits. To wit, all underground mineral resources are vested in the President in trust for Ghanaians, while allodial rights over surface land rests in the hands of customary authorities (van de Camp, 2016). Subsequently, the MC declared that artisanal and small-scale miners must hold a mining license and apply for concession. The wisdom is that the formal institution and the plainly demarcated concession rights define a right to exclude third parties, which is necessary to promote the efficient use of resources to achieve sustainability (Gerber et al., 2009; Gerber & Haller, 2020).

In this context, a Chinese SMCL was registered in 2008 to provide mine support services to registered small-scale miners. Due to its strong political and financial influence, SMCL abandoned its initial mine support services to undertake large-scale underground gold mining by acquiring both the concessions of *Purbotabaa* and *Yenyeya* (Crawford et al., 2015). The company uses discourses of providing a good mining model for small-scale miners to emulate; of wage labour for impoverished residents whose agricultural yields face a decline due to encroaching desertification, prolonged drought, and lack of subsidies on agricultural inputs; and of avoiding the wastage of gold resource in tailings.

In 2011, SMCL acquired the lease rights of 747.41 acres of customary land from the *Gbani* chief (Crawford et al., 2015). *Gbani* is inhabited by four clans who used the former land for pastures together with pastoralists from *Datuku* under a common property regime. SMCL was interested in the land for building an office complex, staff bungalows, and a processing plant and only contacted the *Gbani* chief to acquire the land. Neither tindanas nor clan or family heads were included in the negotiation concerning the land leased for 50 years to SMCL. Geological maps from the GSA and SMCL corroborate that the land had been enclosed, which constrained access to several CPR indispensable for local livelihood and shifting cultivation.

Police personnel drawn from the district and regional levels keep the land under surveillance. As such, marginalized people lost the use of the commons for cash generation, and their ability to be resilient in times of food insecurity has been reduced dramatically (Gerber & Haller, 2020). Instead, only 350 residents were employed by SMCL, which is often referenced as compensation for their loss of access to the forgone CPR (Crawford et al., 2015).

At the same time, the Ghanaian government's adoption of CRAFT, which makes it possible for ASM producers to participate in international gold markets under the guise of responsible mining practice, gave new lease of life to ASM in mining communities across the country, including *Talensi* and *Bole*. Indeed, many gold buyers in the global north and environmental campaigners associate countries and gold producers who adopt CRAFT with practicing responsible mining. The Ghanaian government embraced CRAFT alongside the intensification of mining concessions. In this context, transnational mining concessions are facilitated by the government of Ghana's concurrent implementation of policies to use national resources to fuel socioeconomic development and to encourage foreign direct investment. Coupled with the wider phenomenon of transnational enclosure motivated by the Chinese international development policy encouraging overseas investments, trade, and migration, Chinese investment into mining in Ghana has increased rapidly since the 2000s (McAllister, 2015).

However, the intensification of mining has been far from tranquil as locals and miners are in constant conflict due to grievances and livelihood dispossession, compelling vulnerable and marginalized groups to shift to marginal lands. These put to test the extent to which the Ghanaian decentralized system of NRM and its politics of policy implementation alongside the embrace of CRAFT play out in attaining their sustainability goal in ASM at the local level. In the following section, we present, in a comparative manner, the practical modalities involved in implementing a decentralized NRM policy at the local level for both *Bole* and *Talensi*.

## 5.6. Results—The Politics of Policy Implementation

### 5.6.1. Actors Repositioning Strategies in Decentralized NRM after 2006

Table 9 presents data obtained from various qualitative methods supplemented by intensive policy documents and a literature review. We explain how actors use different instruments to shift positions in decentralized NRM by identifying the differences, but also similarities, between *Bole* and *Talensi*. In summary, the results show that informal actors are slowly adjusting their strategies to local institutional realities by identifying key local actors/elites who can help tilt the institutional balance in their favour to practice informal ASM activities under the guise of fulfilling responsible mining practices.

Table 9: National and local actors repositioning strategies

Actors	Results of <i>Bole</i>	Results of <i>Talensi</i>
The MC	The national government instituted a licensing regime in 2006 and a community mining program in 2019 based on a patrimonial structure. The logic behind the interventions is to reduce negative environmental impacts, stop gold smuggling, and enable the state to generate the necessary revenue through processing mineral rights, mining licenses, leases, and royalties. However, access to both licenses and participation in the community mining program can be described as dependent on political and financial capital. However, the district MC was yet to be established to compile a register of small-scale miners, form a small-scale miners' association, and provide extension services. Supervision and monitoring of mining is done by the national MC and the Wa MC.	Though the MC is not a present or visible actor at the local level, miners are required to hold licenses to operate. The MC formed an interministerial taskforce that bypassed the existing district and regional security council to stop informal miners. The MC reactivated Act 490 and CRAFT where it requested miners to comply with all relevant local legislations and international best practices. Technically, under Act 490, miners were required to submit environmental and social impact assessment reports to the MC before a mining license was awarded. Though Act 490 has existed since 1994, it was only recently that the MC began to demand miners to adopt CRAFT and submit reports of prior and post mine activities, including safety protocols, mine closures, and land reclamation strategies.
The MMDAs	PNDCL 207 established the MMDAs as a subordinate of the state to grant or reject applications for mineral rights for large concessions. The district formed a committee to monitor if informal ASM has met challenges. However, central government authorities are unwilling to implement a devolution of power that will permit the assembly to enforce environmental laws and to clean up the environmental mess in their territorial jurisdiction because national authorities find opportunities to earn money from the status quo. Regrettably, in 2017, the national taskforce bypassed the assembly to combat informal ASM in <i>Tinga</i> without conferring with them. The assembly receives nothing from miners because they evade tax on the basis that it is inappropriate to tax an illegal business activity. Paying tax to the assembly will suggest that	Following the free and prior informed consent principle, the assembly has received, assessed, and approved mineral rights for a few local and foreign firms (Coordinating director in <i>Talensi</i> , Expert interview, 23.05.19). Usually, the assembly organizes community durbars to inform local citizens as well as publish mineral rights applications in public places for two weeks to allow local citizens to present petitions against applications (if any). In the absence of dissatisfaction, the assembly grants mineral rights and then collects royalties and fees from building and business operation permits. It irregularly supervises miners and thus paves the ways for SMCL to under declare output levels for the collection of accurate amounts of tax payments (ibid). The collection and distribution of tax revenue from SMCL and other registered mining companies is

	the assembly endorses their operations (Planner in <i>Bole</i> , Interview, 19.03.19).	not transparent and there are long delays in accessing it from the national level ( <i>ibid</i> ).
Customary authorities	Chiefs activated the land administration project, which grants them the power of attorney to allocate surface land rights to end users through the CLS (Lanz et al., 2018). Chiefs find other ways to increase their interest in subterranean resources by shopping for a forum to reopen old mine shafts. Faced with a high demand for lease rights to mine, chiefs reclaim common land granted to settlers in <i>Dokrupe</i> and <i>Tinga</i> in the 1940s to make private profits for themselves and family members. The empirical results indicate that chiefs have never rejected informal ASM activities even if the communities will bear the brunt of undesirable effects as long as it will result in a regular flow of royalties to their coffers (Official of CLS in <i>Bole</i> , Expert interview, 19.03.19).	Chiefs consolidate their position by referring to the Stool Lands Administration Act 1994. The <i>tindanas</i> formed a union to better stand up to the chiefs who are well represented in local government agencies to cosign leases (Sikor & Lund, 2009). Drawing on natural resource entitlements, the <i>tindanas</i> argued that they will not sit idly while gold resources are taken by miners and their collaborators—chiefs. “No one can issue a mining license to someone without letting <i>tindanas</i> who are custodians of the land know about it” ( <i>Tindana</i> in <i>Gbani</i> , FGD, 18.05.19). <i>Tindanas</i> have often been narrowed in mineral rights administration resulting in conflicts between themselves and chiefs, on the one hand, and between themselves and concession holders, on the other hand
Non-concession holders	The weakness of the assembly and the absence of the MC in the communities provide opportunities for informal miners to scramble for gold ore without a license and concessions contributing to environmental degradation. Many informal miners expressed a willingness to operate within the government’s legal framework, but they were discouraged by the distribution of licenses to political party supporters by the Minister of Lands and Natural Resources at the expense of local miners who have no political influence (Secretary of ASM in <i>Bole</i> , 20.03.19). Additionally, the excessive cost (USD ~2400, including state approved and unapproved fees), red-tapism, and delays (10–18 months) have demotivated them to access mining licenses (Miner in <i>Tinga</i> , FGD, 04.12.20).	There is an unequal power relation between concession and non concession holders resulting in conflict. Informal miners have a weak position in the district gold resources. They derive gold ore from the concession of others based on Indigeneity: “who was here first”. The assumption is that access to gold on their homeland is essentially a traditional right with or without title and that this right serves as the only means to generate income for sustenance (Renne, 2015; van de Camp, 2016). An informant told us that some family heads, including his dad, were involved in selling unused family land to informal miners for instant cash (Youth leader in <i>Datuku</i> , FGD, 24.05.19). They do not pay ground rent to the LC and dodge paying fees to customary authorities for land reclamation. Miners think the assembly is responsible for reclaiming land.
Concession holders	None	Concession holders use Act 703 to legitimize claims on gold and power to prohibit informal miners from operating on acquired concessions. They use modern mining machines and other innovations intensifying the scale and efficiency of gold ore extraction of large areas of land incredibly. License holders bypass the local government to deal directly with the MC and sell gold outside the community. Some local concession holders either sublease or develop strategic partnerships with foreign miners for a monthly salary. SMCL’s operations have generated local conflicts. License holders do not cooperate with traditional structures and organizations for land reclamation activities.

Source: Qualitative methods, intensive policy documents and literature review.

### 5.6.2. The Politics of National Policy Implementation

In Ghana, the MMDAs and local communities had high expectations for the establishment of a district-level MC to provide doorstep services. Nevertheless, this process was challenged by the central government’s inventive use of neoliberal resource governance to reinforce

tendencies associated with neo patrimonial political culture to undertake a series of complex fiscal and administrative interventions that aim to disempower the MMDAs. In the context of ASM, the state implemented a selective decentralization reform and concurrently enacted Act 703 where the authority to administer and dispose of mineral resources wealth is now taken over by the Minister of Lands and Natural Resources and is administered by the MC. Act 703 provides for a clear-cut system of mineral resource governance where the Minister has several mineral tenurial instruments at his/her disposal to issue mining rights. He/she directs the MC to identify ASM areas in the district and to perform the technical and commercial evaluation of the area. Thereafter, he/she directs ASM operators to make claims to the mineral resource wealth area by obtaining a small-scale license from him/her (Act 703, Section 82(1)). It seems that the centralized control over mineral resource wealth in the national government stimulated interest among foreign mining companies, leading to a dramatic increase in mining applications in the last decade.

As such, the Minister takes advantage of his public position for political-economic considerations by relegating the MMDAs, which are mandated to implement national government policies including law enforcement. In 2017, the Minister instituted a moratorium on ASM for two consecutive years on the backdrop of national media environmental conservation discourse. Subsequently, a national taskforce—militarized enforcement initiative—was established to enforce the moratorium. The taskforce entered the MMDAs territories and undertook operations, including bribe collection from ASM gold producers, and allowed some of them to mine (President of ASM association in Accra, Interview 15.05.19). For instance, the SMCL in *Gbani* could mine despite its informality (Alterman & Calor, 2020), while locals were disenfranchised and their mining assets destroyed (Crawford et al., 2015). Since October 2017, local miners have lobbied the Ghanaian President through the Council of

State and National House of Chiefs to lift the moratorium because of the loss of employment, income, and livelihoods (President of ASM association in Accra, Interview 15.05.19).

Then, a few months before the December 2020 general elections, the Minister lifted the ban, vetted ~900 miners, and recommenced the issuance of mining licenses, of which more party foot soldiers (i.e., political party supporters) were granted a license to start immediate mining (ibid). This corrupt practice is commonly associated with political parties that are in power in Sub-Saharan African countries, where the Minister enjoys tremendous power and the possibility to push his political agenda. With an eye on upcoming general elections, the Minister will disburse state funded contracts or, in this instance, access to mineral resource wealth to his political supporters from national to local levels in return for votes (Crawford et al., 2015; Tchatchoua-Djomo, van Leeuwen, & van der Haar, 2020).

The privileging of foot soldiers and commercial interests (e.g., SMCL) over state regulations contributed to a culture that has encouraged and reinforced rent-seeking by public officials, especially through a tolerance of unlawful practices. This act of contempt and disenfranchisement incensed MMDAs authorities to permit informal ASM activities that are not subject to the existing legal framework by relaxing their monitoring and supervision roles, resulting in a free-for-all looting of Ghana's valuable natural resources, with attendant large-scale environmental degradation (Crawford et al., 2015; Planning officer in *Bole*, Expert interview, 18.01.21).

### 5.6.3. Impact of ASM Formalization and CRAFT

In this section, we demonstrate that gold ore mining practices and a succession of mining ordinances enacted by colonial, Ghanaian state authorities and recently by international agencies have had direct consequences for local communities. We evaluated the perceived impact of CRAFT by assessing its adoption by the state actors at the organizational level and

its implementation in practice (see also Section 5.6.1), including resource use (water and wood fuel), mine waste, contamination in nearby bodies of water and soil, noise nuisance, the closure and reclamation of exhausted mine lands, and social bonds.

#### 5.6.3.1. Results of *Bole*

##### 1. Environmental Impact

The results indicate that the recently introduced community mining program in *Tinga* improved nothing. The widespread scars of explosives on the land surface include opened pits, deforestation, encroaching desertification, and the dramatic transformation of stream and hand-dug wells. Local elites, such as the gold committees, do not enforce land reclamation after mining the gold ore from the soil because their livelihoods do not depend on farming or livestock keeping. Field observation results show that the streams receive a greater load of mine sediment and contamination of hazardous chemicals, sewage, and solid waste from adjacent mining sites. In *Tinga*, an elevated level of mercury in the water is above that of the recommended World Health Organization for potable drinking water (Cobbina, Duwiejuah, Quansah, Obiri, & Bakobie, 2015). We unexpectedly met children in the stream busily washing tailings for gold dust without being sanctioned (*Tinga*, Field observation, 28.03.19). These children mine probably because they see the opportunities CRAFT grants to ASM gold producers to mine and sell the gold across the border.

Residents said that the stream is rendered unsuitable for both animal watering and domestic use. We are informed that in the raining season (May–September), the swollen stream deposits toxic silt immediately next to the bank, which contributes to rendering the floodplain unproductive for dry season gardening. They informed us that 37 houses with an estimated 343 people were forced to move uphill away from the stream edge to the senior high school’s land in search of more fertile land for gardening (Peasant farmer in *Tinga*, FGD, 12.12.20). In

*Dokrupe*, heavy vehicles used for carrying gold bearing rocks from mine sites to the community center caused damage to the bridge contributing to a broadened floodplain and sandbars in the stream. In 2018 and 2019, the community was inundated and enveloped with plastic debris and sediment that floated downstream from the mine. We saw that the vast floodplain surprisingly looks infertile and native grass species are stunted and look scorched (Perreault, 2012).

## 2. Economic Impact

Semi-structured interviews and FGD results show that most of the respondents perceive informal ASM as a major income source, which increases their capacity to establish new local businesses and pay school and health fees of household members. However, the scale of environmental degradation arising from informal ASM has affected the aquatic ecosystem and worsened agricultural production for people whose livelihood does not depend on mining. In the past decade, locals catch low fish and do not obtain eggs from endangered crocodile species for subsistence and income (Peasant farmer in *Tinga*, FGD, 12.12.20). Additionally, the presence of heavy metals in the streams increases the costs of water treatment for locals. Household wells nearby the stream and mining sites are contaminated due to discharge from mine sites. The results indicate that 84% (21 of 25 household questionnaires) reported not having access to potable water from within. The onerous task is that women and children from poor households trek far to fetch water for domestic use. The results further show that 16% (4 of 25 household questionnaires) buy bottled and bagged water for household daily needs. Therefore, there are losers as well as winners. The oldest man growing up with his parents since 1943 narrated that:

“*Dokrupe* was the leading producer of cassava, maize and cotton in the district between the 1960s and early 1990s. People hunted game next to their homes and harvested adequate fish in the stream for subsistence. Surpluses were exchanged for other grains

and clothes. Presently, there is a food shortage in *Dokrupe*! Vegetables are brought in from Techiman and Kumasi at inflated prices. A few rich households whose members practice informal ASM can afford to buy food for subsistence, while the overwhelmingly poor households struggling to buy food. The mode of production and exchange has changed, and everything now is expensive. Informal ASM is a slow but sure killer!” (Community leader/Imam in *Dokrupe*, Interview, 23.01.21).

The ability of miners to be resilient during the COVID-19 pandemic was reduced as many women and children who worked as cooks, transporters, and crushers lost employment and generated no cash to buy food for consumption during the lockdown (March–September 2020) (Widow in *Dokrupe*, FGD, 22.01.21). Those who had money could not buy food locally because farmlands had been converted into mining.

### 3. Social Impact

The results indicate that informal ASM is attracting immigrants from far and near, which contributes to social bonds through intermarriages and cultural exchanges. The results also indicate that informal ASM has, however, claimed the lives of 7 boys, 3 girls, and over 18 cattle in the past decade (Peasant farmers in *Tinga*, FGD, 12.12.20). “Informal ASM has wasted precious life! Many lives are being wasted and many more lives would be wasted later because some people think they must make money by hook or crook” (A reverend minister in *Tinga*, FGD, 12.12.20). At the Community-Based Health Planning and Service in *Dokrupe*, four injured miners were brought in for medical reviews due to underground mining accidents which occurred on 18 October 2020. One amputated miner told us that he kept his right hand inside a *changfa* leading to it being slashed. The lack of safety measures in informal ASM is threatening lives.

Many boys and girls have dropped out from school to work in informal ASM and sometimes bring home gold-impregnated mercury putty to burn on cooking stoves in open spaces and expose household members to health risks (Woman in *Dokrupe*, Interview 17.01.21). Some girls at mining sites earn additional income by practicing prostitution, resulting in unplanned pregnancies and sexually transmitted diseases (ibid). Residents fear that their boys and girls are likely to have low production and reproductive capacities in their thirties and will become a burden to the community.

#### 5.6.3.2. Results of *Talensi*

##### 1. Environmental Impact

Except for a few cases, concession holders have caused less direct environmental degradation due to regular monitoring and inspection carried out by the MC. Expert interviews and FGD results show that SMCL mining practices contradict Ghanaian mining and environmental laws. Residents informed us that SMCL's underground mine blasting had caused structural damage to a basic school building in *Gbani*. It creates a noise nuisance, and its waste is spotted on the school landscape, which is later deposited directly to the sediment load of the stream, leading to an increase in the braiding and erosion of the stream's bank. Additionally, we observed in field and on drone images high degrees of open pits in *Datuku* and *Gbani*. The consequences conspire to dispossess residents of potable drinking water due to the presence of arsenic, cadmium, and nitrate. In the past, the land immediately next to the stream was the most productive, yielding 21 bags of maize per acre for peasants, but now it supports no plant or animal life (Peasant farmers in *Gbani*, FGD, 12.02.21). Presently, Indigenous people make claims to the best lands and build plots for themselves, while the less desirable land closest to the stream is reserved for poor settlers (Perreault, 2012). Residents also informed us that

children and livestock frequently fall inside abandoned pits and die, if unnoticed early (Community leader in *Datuku*, 08.02.21).

## 2. Economic impact

The results indicate an increase in cash generation for residents and immigrants involved in ASM, which has contributed significantly to household upkeep when there is low agricultural yield. The results also indicate that locals employed in SMCL experience sustainable cash inflows, which enables them to escape poverty, improve the standard of living of household dependents, and obtain decent accommodations. The increase in people's purchasing power influenced the creation of microcredit companies in *Gbani*, which render savings and investment products for locals and immigrants, which hitherto did not exist. Nonetheless, the economic difficulties for those who do not share in the gold boom contradict the direct positive side of ASM.

In *Gbani*, large tracks of land used for farming have been converted into mining. These farmlands and economic resources are no longer available for residents, making it more and more difficult for them to cover their subsistence needs. As such, they are forced to switch to more marginal land and floodplains. Regrettably, the productivity of marginal land close to mining sites is very low due to emissions from processing plants. Locally produced vegetables and cereals are reduced, with people now more dependent on buying food stuff from the regional market in *Bolgatanga* and Navrongo (Extensionist of DoA, *Tongo*, Interview, 15.02.21). Vulnerable and marginalized women, children, and physically challenged persons do not have money to buy food stuff at the local and regional markets. This is heightened by the loss of economic trees, including shea and *dawadawa*, which used to provide them with fruits and nuts for cash income.

Additionally, because CRAFT enables ASM gold producers to sell gold on the international market, miners now bypass the PMMC. This leads to unaccounted ASM gold produced in the country evading tax and reducing jobs for local licensed gold buyers. We also gathered that majority of people working in informal ASM who lack formal education pay huge sums of money to local consultants to help them produce “fake” reports to present to gold buyers upon request in international markets. Most of the reviewed reports are at variance with the reality on the ground because of the ineffective auditing of reports locally.

### 3. Social Impact

The study results indicate that the differential distribution in money causes problems, including behavioural indiscipline in schools. The FGD results show high rates of dropout and absenteeism and poor academic performance of pupils in *Datuku* and *Gbani* compared to non mining communities (Retired teacher in *Datuku*, FGD, 16.02.21). Usually, pupils (12–17 years) who participate in informal ASM show disrespect to their teachers and community elders who attempt to prohibit them from working in informal ASM. The additional money pupils make is often spent on attending weddings, parties, and casinos, thus resulting in less time to stay home to do homework exercises/assignments (ibid). The advantage of boys going down narrow tunnels to collect gold ore endows them with a powerful role in informal ASM, while girls and women transport the ore to crush for milling. However, they face harsh working conditions, lack job security and safety materials, abuse drugs (e.g., tramadol, marijuana, alcohol) to work harder, and face threats and intimidation from their employers (15-year pupil in *Gbani*, Biographic interview, 05.02.21). This arises due to a lack of contractual agreements and lack of collective efforts to unionize labour, which has contributed to tension between mine workers and owners.

#### 5.6.4. Local Responses to Informal ASM at the Local Level

In this section, we present local responses from the wider community, including resource managers, mine workers, and owners who are directly involved and others who are either indirectly or not involved in informal ASM. We categorized the local responses by local actors who perceive gains and local actors who perceive losses.

##### 5.6.4.1. Results of *Bole*

###### 1. Local Responses by Local Actors Who Perceive Gain in Informal ASM

The empirical results show that the economic benefits to the wider community and powerful actors, including chiefs, gold committees, and mine workers, strongly support the district mining economy as desirable. In *Tinga*, 92% indicate that at least one family member—a son or daughter—was involved in informal ASM. A young male miner narrated that:

“authorities do not question the source of people’s wealth! Why will people waste time and money to go to school to learn how to speak big English but have no job and money. Informal ASM gives people more money compared to so-called crop farming and animal rearing. He has made some money to marry, build guesthouse, buy private and commercial vehicles, operate casinos within and outside the community. He makes cash donations to churches, community committees and political parties, which earns respect for him, but for informal ASM” (Miner in *Tinga*, FGD, 16.01.21).

Indeed, along the main street in *Tinga*, there are clustered businesses (restaurants, casinos, groceries, and fuel stations). The organic growth of most of the businesses can be matched to incomes from informal ASM. In *Dokrupe*, the gold committee and customary authorities developed inventive strategies to extract rents from ASM, including the mediation in disputes between themselves (landowners) and miners; the issuance of business permits to owners of processing facilities on their soil, mounting checkpoints for donation collection (one

third of the amount of gold-bearing rocks extracted); and the collection of environmental user fees for land reclamation. They also tolerated mining leading to the reactivation of the *mbowura* (warrior cult of the *Gonja* people) and spiritualists (marabouts) to provide essential services for miners. The *mbowuras* are fortified to wield guns and ammunition to escort miners from the community to the mine and back. The spiritualists are consulted by miners to help them catch the gold spirit quickly so that they will gather an abundant harvest to return home richer than they left. The gold committee collects 1% of the value of gold mined by individuals or groups as a reward for the relevant spiritualist (Chairman of gold committee in *Dokrupe*, FGD, 21.01.21). The community undertook self help funded projects, including road regravelling and bridge and borehole construction, and lobbied for the installation of electricity and telecommunication networks to enable mining to thrive.

## 2. Local Responses by Local Actors Who Perceive Loss in Informal ASM

The negative social, economic, and environmental impact of informal ASM has forced 60% of household heads whose livelihoods do not depend on mining to fear loss of access to CPR often without restitution. Thereby, at least one person migrates temporarily to work elsewhere during the off-farming season. A 43-year-old cashew farmer reported that:

“the presence of mineral wealth contributes to cash crops productivity. Where cashew crops grow well, miners go to negotiate with the gold committee for such lands to mine for gold ore and pyrites. His entire 6 acres cashew farm was destroyed in less than a week without reparation. He is preparing for vengeance and no longer attends community meetings and makes no monetary contribution toward community projects either. He depends on handout from the Member of Parliament for *Bole* and sometimes goes to farm in *Ejura* for cash income” (Cashew farmer in *Tinga*, Biographic interview, 14.04.19).

While this narrative seems to invoke a potential intracommunity conflict, it could be interpreted as an expression of disappointment and boldness against the injustice of state policies instead of a course of action (Scott, 1987). However, most of the losers are the powerless and marginalized who cannot self-organize themselves to react uniformly. Residents who migrate out temporarily or permanently send remittance to those left behind. However, mining alone does not account for emigration, but also marriage, education, and employment opportunities.

#### 5.6.4.2. Results of *Talensi*

##### 1. Local Responses by Local Actors Who Perceive Gain in Informal ASM

Some locals considered mining as a complementary livelihood strategy to agriculture. Hitherto, agriculture offered significant employment and income for most people in northern Ghana. However, the adoption of SAP led to the downfall of certain agricultural activities due to the withdrawal of subsidies on agricultural inputs, including fertilizer, insecticide, and pesticides. Since then, locals view agriculture as unprofitable, leading to agricultural labour switching to wage labour in mining as one option of contributing to families' household income. Additionally, some retrenched and redeployed staff and school leavers find solace in obtaining income from mining to start new businesses and further their education, respectively. Thus, local elites redistribute land in favour of mining investors.

##### 2. Local Responses by Local Actors Who Perceive Loss in informal ASM

The results indicate that the unilateral granting of lease rights to SMCL and informal miners without involvement of key local stakeholders has fostered gossip and dissatisfaction among locals. As such, the MGPIJ, *tindanas*, and urban base elites of the communities organized around the trope of Indigeneity and forged a collective resistance identity to strengthen their

claims of a recovery of possession. They also relied on the vernacular, referred to as the Indigenous narrative, combined with various forms of resistance tactics, including deputations to state officials at the local, regional, and national levels, to contest the land rights claim of the *Gbani* chief and SMCL.

The groups held both violent and nonviolent demonstrations on the streets of *Gbani* and Tongo with threatening and dissatisfaction inscriptions on banners and placards against SMCL's unsustainable mining practices. Locals blew up one of SMCL's industrial machines and caused harm to Chinese workers, resulting in the arrest of 12 locals. Subsequently, the group sued SMCL at the High Court for recovery of possession, indemnity, and land reclamation (President of MGPI in *Gbani*, Interview, 20.02.21). The group has urged the EPA to hold onto granting SMCL an environmental permit until the court grants its verdict. SMCL through its barristers and solicitors had entered an appearance before the High Court. Out of fear of being sanctioned by international certification agencies due to the massive local and national media campaign war against the SMCL over its known mining grievances, the top managers of SMCL adopted the new name Earl International Group (GH) Limited to rebrand its mining activities. The *tindanas* have also challenged the *Gbani* chief to reverse the land leased to SMCL based on the narrative that:

“the position of chiefs in the Upper East region and *Talensi* in particular, was just a creation of the colonial administration for easy administration for the colonial British regime. The *tindana* institution dates to the precolonial era and before the advent of any chieftaincy institution. Thus, chiefs ought to know that land belongs to clans and families with the *tindana* having the oversight responsibility of such lands and not chiefs” (A *tindana* in *Gbani*, FGD, 21.02.21). Table 10 presents the summary of the results for easy comparative analysis and discussion.

Table 10: Summary of comparative results

Main Issues	Results of <i>Bole</i>	Results of <i>Talensi</i>
Institutional ambiguities	<ul style="list-style-type: none"> <li>➤ Different actors make claims to mineral resource wealth</li> <li>➤ No mining license and concession granted to local miners</li> <li>➤ The district security council is bypassed by national taskforce to combat informal ASM without conferring with them</li> <li>➤ Weak supervision and monitoring of informal ASM</li> </ul>	<ul style="list-style-type: none"> <li>➤ Conflict between local population and newcomers</li> <li>➤ Conflict between informal miners and concession holders</li> <li>➤ Conflict between customary chiefs and <i>tindanas</i> over informal ASM management and royalty rights</li> <li>➤ The district assembly is bypassed by regional security council to provide land surveillance for SMCL</li> </ul>
Environmental Impact	<ul style="list-style-type: none"> <li>➤ Local actors do not enforce land reclamation after mining</li> <li>➤ More open pits</li> <li>➤ Water dispossession</li> <li>➤ Reduce fish and crocodile</li> </ul>	<ul style="list-style-type: none"> <li>➤ Unnecessary noise pollution</li> <li>➤ Mine sediments litter school compound and community lands</li> <li>➤ Many uncovered/open pits</li> <li>➤ Land dispossession</li> </ul>
Social Impact	<p>Positive</p> <ul style="list-style-type: none"> <li>➤ Increase social bonds through intermarriages and cultural exchanges</li> </ul> <p>Negative</p> <ul style="list-style-type: none"> <li>➤ More mine-related deaths</li> <li>➤ Pupils drop out from school</li> <li>➤ Lack of job security</li> <li>➤ Lack of safety measures in mines</li> </ul>	<p>Positive</p> <ul style="list-style-type: none"> <li>➤ Participation in social activities including wedding, naming ceremonies, etc.</li> </ul> <p>Negative</p> <ul style="list-style-type: none"> <li>➤ Behavioural indiscipline in schools</li> <li>➤ High rates of school dropout</li> <li>➤ Lack of social security</li> <li>➤ Threats and intimidation from employers</li> <li>➤ Harsh working conditions</li> </ul>
Economic Impact	<p>Positive:</p> <ul style="list-style-type: none"> <li>➤ Increase income for households engage in informal ASM</li> <li>➤ Development of decent accommodation</li> </ul> <p>Negative:</p> <ul style="list-style-type: none"> <li>➤ Increase cost of water treatment for CSWA and households</li> </ul>	<p>Positive:</p> <ul style="list-style-type: none"> <li>➤ Increase in cash generation</li> <li>➤ Springing of new local businesses</li> <li>➤ Existence of microcredit company</li> </ul> <p>Negative:</p> <ul style="list-style-type: none"> <li>➤ Not everyone shares in gold boom</li> <li>➤ Buy food stuff from regional market</li> </ul>
Winners and losers	<p>Winners:</p> <p>Customary chiefs, gold committee, mine workers, and their families</p> <p>Losers:</p> <p>Small-scale farmers, wider community, district assembly, and the state</p>	<p>Winners:</p> <p>Customary chiefs, concession holders, SMCL, mine workers, and their families</p> <p>Losers:</p> <p>Small-scale farmers, <i>tindanas</i>, wider community, district assembly, and the state</p>

Source: Qualitative methods and review of relevant literature.

### 5.7. Discussion: Sustainability Challenges

In this section, we go back to our working hypotheses (see Section 5.3.5) to discuss them, keeping in mind the comparative results of the two case studies. As a first step, we recall that our H1 states that decentralization in NRM will lead to positive social and environmental outcomes. The proponents of decentralization hold the assumption that local enfranchisement

in NRM will lead to an improvement in social and environmental standards, which will maintain crucial ecological functions and simultaneously safeguard essential livelihoods and the economic values of resources. Any positive outcome of decentralization is largely dependent on the distribution of power, a set of management rules attributed to the concerned resource, equity in benefit sharing, and the performance of downward accountability toward the local population (Venugopal, 2014).

Our empirical case study results do not coexist with the optimistic expectation of decentralization (H1). The expected outcomes of decentralization in NRM are seldom realized because democratic decentralization is hardly implemented (Agrawal & Ostrom, 2001; Larson & Ribot, 2004; Wardell & Lund, 2006). In both *Bole* and *Talensi*, poverty levels have not reduced across the different social strata, except for a few, and are exacerbated by the uneven distribution of local mineral resource wealth. Moreover, the results show that under the so-called participatory management arrangement, changes in the rights and powers to manage the resources are skewed in favour of customary authorities and the gold committee in *Bole*, which partially fulfil the conditions that would enable improved social, economic, and environmental sustainability results in the entrenched “bossism” and social inequality (Verbrugge, 2015). Similarly, in *Talensi*, the results show that the colonial and postcolonial decentralization efforts, which emboldened local chiefs to play a prominent role in the existing institutional arrangement in decentralized NRM and in ASM, is expected to continue in the future. Like concerns raised by critical observers of decentralization in some parts of the world, “this raises important concerns over elite capture of the decentralization process” (Verbrugge, 2015, p. 450). This confirms our initial suspicion that the null hypothesis cannot fully capture the processes at play. We recall that together with CRAFT, the decentralization of procedures in ASM leads to actors repositioning strategies, which ultimately has a negative impact on social,

economic, and ecological sustainability. H2 postulates that the following mechanisms contribute to explain the actors' repositioning strategies.

#### 5.7.1. Central Government Authorities Did Not Let Their Responsibilities Go to Local People

In this section, we show how economic factors (e.g., rents, gold price), political factors (e.g., selective decentralization, vote), and bargaining power relations influence national government officials not to let their responsibilities go to local people for them to progressively expand their control over the mining sector, which gradually falls prey to corruption and resource mismanagement. The centralist system of NRM in successive postcolonial governments, which resulted in the enactment of new pieces of legislations, including PNDCL 218 in 1989 and Act 703 in 2006, is influenced by the British colonial administration that lay the foundation for a centralized system, vesting ownership of all mineral resource wealth whether in public or private land to the colonial state (Renne, 2015; van de Camp, 2016).

Since 2006, attempts by central government authorities seem to roll back local people's participation and control of mineral resource exploitation amidst Act 462. The empirical case study results show that central government authorities implemented selective decentralization on grounds of so-called sustainable management, contrary to observations in other sectors, such as local governance (Bardhan & Mookherjee, 2006), education (Xiang, 2017), sustainable urban development (Silva, 2014), and environmental management (Xu, 2021). In the Ghanaian case of NRM for ASM, selective decentralization only worked in limited sustainable management practices at local levels. MMDAs are not allowed to grant licenses to miners at the local level, and the establishment of a district level MC to perform a critical formalization role at the local level is intentionally delayed, resulting in poor implementation of sustainable mining practices and a poor capacity to monitor detrimental ASM practices. The case study results indicate that central government authorities aim to sustain a neopatrimonial relationship

for the extraction of various rents and fees and to reward political party supporters in return for votes.

In *Talensi*, central government officials entreated the district authorities to restrict themselves to signing mineral rights applications and to process the free and prior informed consent of local stakeholders for SMCL to secure a license, concession, and permit to mine in *Gbani* despite its informality (Alterman & Calor, 2020). The Minister directed the MC to demarcate ASM areas in *Gbani*, which granted him opportunities to issue licenses to miners inside the demarcated areas. Like the PNDCL 218, Act 703 also turned out to be unsuccessful as an instrument for ASM formalization because very few ASM operations have been approved by the Minister to operate in *Gbani*, while most informal ASM takes place inside the concessions of mining rights holders, often without their official consent, resulting in local conflicts (Verbrugge, 2015). The selective implementation of decentralization contributes to miners' lack of access to information, leading to nepotism; rent-seeking during the distribution of licenses, leases, or permits; complexity; and the high cost of registration procedures (Hilson, 2017; Verbrugge, 2015).

In *Bole*, the central government's bypassing of the assembly to fight against informal ASM in its territory suggests ambiguity regarding rule interpretation (e.g., Act 462 and Act 703) and enforcement. The central government's weak mechanism of stopping informal ASM through a militarized taskforce failed to defuse ASM operation in communities of *Bole* (Eufemia et al., 2020). The disenfranchisement of district authorities in *Bole* and *Talensi*, makes them tolerate informal ASM and disregard SMCL's grievances by relaxing existing regulations and enforcement, leading to resource over exploitation and destruction of cashew farms, bodies of water, and forest reserves. "The assembly relaxes its regulatory responsibilities as revenge for top government officials' disrespect toward local government authorities" (DCE in *Bole*, Interview, 18.01.21).

### 5.7.2. Decentralization in NRM Enables Newcomers from Outside the Communities to Gain Access to Local Resources, Leading to Conflicts between Locals and Newcomers

Our *Bole* case study results show that local elites have shown strong support for the mining economy by deflating any direct and indirect measures that might threaten the continued operation of informal ASM due to the monumental income it generates for some actors. The results also indicate that newcomers' land access has led to the territorial displacement of marginal groups and peasants. Yet, local citizens have not formed a collective resistance strategy to challenge their dispossession because of the seemingly incompatible interest of the various groups (Perreault, 2012). Only a few marginalized individuals rebuked royalty-receiving landowners, mining financiers, gold committees, the district assembly, and the state's reluctance to implement effective land reclamation strategies, thus reducing land availability for agricultural activities (Verbrugge, 2015). This forces disenfranchised local citizens to shift to more marginal land resources far from the community for sustenance, which are then overexploited leading to environmental degradation (Haller, 2007). As a result, exasperation among locals emerges, resulting in instances of intracommunity conflict between locals and newcomers in *Tinga*.

In *Talensi*, the case study results show that the newcomers' huge rush for customary land for gold ore mining from 2008 onward due to their financial and political capital, which helps them to gain exclusive rights of access often guaranteed by the state, results in vulnerable and disenfranchised people who are on the losing end of the equation, increasingly bereft of meaningful access to CPR (Crawford et al., 2015; Gerber et al., 2009; Verbrugge, 2015). This leads to colossal local conflicts between resource users and owners, which are usually shaped by Indigeneity (McAllister, 2015; Perreault, 2012). Indigenous identities are constructed in response to struggles over resources and can be seen as resistance identities formed as part of a legitimating narrative to assert preferential claims to resources and to resist dispossession

(McAllister, 2015). The use of Indigeneity as a basis for territorial claims implies that locals have been exposed to international discourses and are able to articulate their identity in a way that is recognizable and usable by their advocates (McAllister, 2015; Xiang, 2017). The case study results show that local responses have yielded some successes: they stopped the SMCL company from operation in unauthorized areas, the damaged school building was repaired, and 47 landowners have been compensated (President of MGPI in *Gbani*, Interview, 20.01.21). Our case study result supports Gerber and Haller's (2020) argument that the bargaining power of local groups and their capacity to self-organize for a collective action depends to a large extent on the perceived benefits and loss of the resource. For example, the perceived losses of ground rents to *tindanas* due to the local chief's bypassing them to grant lease rights have led to the formation of the union of *tindanas* to resist their marginalization by referring to the ancestral domain and constitutions (institution shopping).

### 5.7.3. The Neoliberal Nature of CRAFT may Lead to Unwanted Outcomes

Our case study results demonstrate that the way CRAFT works in Ghana leads to an exacerbation of private profits, but this is seen as the necessary price to be paid to gain access to “good” reports from private ecopreneurs, i.e., local consultants. We argue that the mere presentation of a “fake” CRAFT report—due to a lack of verifiable mechanisms in *Bole* and *Talensi*—as proof of responsible mining practice for ASM gold producers to participate in the international market reinforces private ecopreneurs' own benefits and financial returns at the expense of many poor and uneducated ASM gold miners who cannot produce CRAFT reports by themselves. Consequently, private ecopreneurs have started to acknowledge the CRAFT policy measure as a new, safe, and profitable market, which is why they represent the winners of the emerging “CRAFT business”. Faced by reduced profit margins, ASM gold producers

increase their environmental degradation practice to extract more gold ore that would compensate for any loss arising from payments to local consultants.

Furthermore, the results show that most miners bypass the PMMC to sell in neighbouring countries who hardly ever request CRAFT reports. Ultimately, the state, in contrast, remains excluded from the compromises made by private ecopreneurs, it embodies the loser of the new rules of the game. In particular, the state cannot generate environmental rents to address water pollution and environmental degradation. As is noted here, “if informal ASM is not stopped sooner than later, Ghana could be importing potable drinking water in the next two decades” (Official of CWSA in *Bole* 21.12.20).

## 5.8. Conclusions

Our paper has intended to contribute to broader debates on the relationship among decentralization in NRM, the formalization of mining rights, and sustainability. We relied on a combination of political ecology and new institutionalism to direct central attention to the ways in which power and resources are distributed across society. The added value of this analytical approach is its ability to capture both the institutional and practical complexities in the implementation of decentralization in the Ghanaian ASM sector and its effects at the local level, which enables us to produce a set of more context-specific narratives. Our case study results show that Act 462, which aims to decentralize control over mineral resource wealth to the local population, coexists uneasily with the minerals and mining Act 703, which forms the basis for the formalization of mining rights (Verbrugge, 2015). This causes institutional ambiguities wherein different actors are now making claims to mineral resource wealth, leading to intragovernment conflicts over law interpretation and enforcement, conflicts between locals and newcomers, conflicts between informal miners and concession holders over access to

above- and underground mineral resource wealth, and conflicts among customary authorities (chiefs and *tindanas*) seeking to secure ancestral domain rights and the associated royalties.

Despite the conflicts, decentralization has improved a selected few local actors' access to mineral resource wealth and threatened the majority with dispossession, leading to social, economic, and environmental sustainability challenges. We argue that the Ghanaian national government tends to undervalue the threats of sustainable development as a constitutional objective resulting from the selective implementation of decentralization. Since local government actors are disempowered, and the state taskforce cannot be everywhere to monitor and supervise local resource exploiters, environmental degradation continues relentlessly.

## Chapter Six

### The Dilemma of Women Empowerment in Artisanal and Small-Scale Gold ore Mining in Ghana<sup>10</sup>

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## 6.1. Abstract

Despite the central government's ban on informal artisanal and small-scale gold mining in Ghana, rural women continuously participate in artisanal mining for livelihood, income, and employment during which traditional gender roles are redefined. Inspired by feminist institutionalism and nego-feminism perspectives, we evaluate the gendered intersectional power dynamics operating in artisanal and small-scale mining and within the household and the impact on women's capability to weaken patriarchal social structures in Ghana. We performed a comparative case study using a mixed-methods approach comprising of participant observation, 8 expert interviews, 58 biographical interviews and 8 focus group discussions to foreground artisanal and small-scale miners' narratives of agency and emancipation. Our empirical analysis shows that women's transition to key breadwinner and financial contributor position offers the pathway to self-autonomy, which leads to shifts in gender role configuration, albeit, ultimately not undermining the prevailing male-dominated power structures. The comparative assessment shows that women's agency and emancipation have not led to significant changes in the wider societal arena. We conclude that several power sources prevail in society including not only gender, but also class and wealth and the processes which sustain power imbalances between women and men are local, national, and global.

Keywords: Agency; artisanal mining; empowerment; gender roles; power

## 6.2. Introduction

Globally, the fight against informal artisanal and small-scale gold ore (ASM) mining is pronounced because of the poor working conditions and the negative impact of the chronic use of chemicals (e.g., mercury and cyanide) on miners' health, environment, and bodies of water (Adam, Adams, Gerber, & Haller, 2021; Zolnikov, 2020). In Ghana, despite the central government's ban on informal ASM, it constitutes an important source of employment and

income for women's empowerment (Buss et al., 2017; Tiernan & O'Connor, 2020). The effects of gender regimes, globalization, the participation of women in wage labour outside the family and technological advancement are shaping the establishment of new forms of interaction (Rossetti 2015). Yet, women's experience of power, sense of agency and the transformation of their gender roles in the context of artisanal mining remained under explored (Buss et al., 2017; Fofana-Ibrahim, Rutherford, & Buss, 2020; Tiernan & O'Connor, 2020). In this paper, we evaluate the mechanisms applied by women to undermine patriarchal social structures in Ghana.

Conceptualizing artisanal mining as a gendered process is important for understanding how it affects women and men differently (Buss et al., 2017; Fofana-Ibrahim et al., 2020; Tiernan & O'Connor, 2020). In recent times, the growing number of women in artisanal mining is leading to household income upsurges, which influences gender roles within the household to progressively alter (Buss et al., 2017). However, women's financial contribution to the household food basket does not completely erode patriarchal relations or fuel social transformations (Xhaho, Çaro, & Bailey, 2021). In some instances, women find themselves in a precarious work environment, which can in turn produce new inequalities (Lutz, 2016). Thus, this paper focuses on the apparent paradox of women's disenfranchisement in the local community and yet their subjective circumstance of emancipation to reconstruct gender relations and transformation of the division of labour and power dynamics within the household domain.

Inspired by negotiation (nego-) feminism (Kandiyoti, 1998; Nnaemeka, 2003) and feminist neo-institutionalist theory (Krook & Mackay, 2011; Mackay, Kenny, & Chappell, 2010) to understanding the dynamic relationship between "institutional architects, institutionalized subjects and institutional environment" (Hay & Wincott, 1998, p. 955), we evaluate the gendered intersectional power dynamics operating in artisanal mining and within

the household and the impact on women's capability to undermine patriarchal social structures in Ghana. We ask: How do women renegotiate the dynamics of gender roles and power relations following their participation in artisanal mining? How did women's participation in artisanal mining shape their narratives of agency and emancipation to alter the male-dominated power?

Our arguments proceed in three steps: First, we illustrate that the changes in the formal and informal structure of artisanal mining are facilitating women's participation and providing them economic independence to alter gender roles and relations within the household. Second, we demonstrate that women's adherence to societal rules of appropriate behaviour (e.g., making financial contribution), which are defined, monitored, and regulated by the wider community enables them to earn episodic power. Third, we show that men solidarize to maintain their position by continuously subjugating women due to the bride wealth system.

Ghana is an excellent case to answer our research question because of the plural legal arrangements that structure the organization of artisanal mining and shape gender roles (Dowuona-Hammond, Atuguba, & Tuokuu, 2020). In Ghana, the legal and institutional framework (e.g., rules, regulations, and policies), customary law and social norms shape women's participation and roles in artisanal mining. Whereas statutory laws have banned informal artisanal mining and obstruct women's participation, the Ghanaian social norms also restrict roles of women in artisanal mining.

In the following section 6.3, we briefly described our theoretical approaches and an overview of measures to address gender inequality in cultural, social, and economic domains. The study design and methods are presented in section 6.4. We present the case study on gender roles in domestic and non-domestic paid roles in section 6.5. In section 6.6, we present the comparative empirical data. We synthesize and discuss the empirical data in section 6.7 and provide our conclusion in section 6.8.

### 6.3. An Actor Centred Approach to Understanding Institutions

#### 6.3.1. Applying Feminist Institutionalism and Nego-Feminism to Artisanal Mining

The term institutions refer to the “conventions, norms and formally sanctioned rules of society. They provide expectations, stability and meaning essential to human existence and coordination. Institutions regularize life, support values, and produce and protect interests” (Vatn, 2005, p. 60). New institutionalism has been broken down into three traditional strands, namely: Historical institutionalism—it analyzes how the institutional arrangement of the state affects economic and political decision-making (Chappell, 2002); organizational or sociological institutionalism—it stresses the “logic of appropriateness” such that rules are the social norms that regulate the everyday social exchanges between people (DiMaggio & Power, 1991), and economic or rational choice institutionalism—it contends that institutions model the strategic behaviour of actors (March & Olsen, 1984). A new strand is called discursive (constructivist) institutionalism, which highlights that ideas and discourses offer the ideological foundation for institutions by shaping actors’ behaviour, interests and preferences (Schmidt 2010). Each of these strands has a unique analytical approach to delineate the role of institutions creating social and political outcomes (Hall & Taylor, 1996).

An examination of how institutions breed gendered power relations and how institutions can be questioned and rectified strengthened feminist movements to think about feminist institutionalism as a more structured theoretical lens to analyze the interactions between institutions and gender (Rossetti, 2015). In this paper, we adopt the feminist neo-institutionalist theory as our heuristic and conceptual approach to comprehending the “gendering effect of institutions, the complexities of gendered institutional change and how to promote outcomes for women in these contexts of institutional changes” (Rosetti 2015, p. 292). The feminist institutionalism framework challenges the fundamental norms of bureaucratic neutrality toward gender. The framework accentuates the significance of strategic agency in institutional

change and underscores how strategic actors can initiate change within a context of opportunities and risks (Krook & Mackay, 2011; Mackay et al., 2010). The institutions of patriarchy and its epochs-ancient traditions are altering due to women agency (Rossetti, 2015; Xhaho et al., 2021).

The feminist neo-institutional framework is new to artisanal mining (Tiernan & O'Connor, 2020) as most of the previous studies of gender-related issues in artisanal mining-focused more on the feminist political economy theory (e.g., Buss et al., 2017). Applying the feminist neo-institutionalist framework will enable us to direct our analysis on *structure* and *agency* and whether changes occurring in artisanal mining practices are increasing opportunities to strengthen women's agency or undermining them. The concept of agency refers to how individuals take active roles in shaping their life course trajectory, including making choices about their life, given the constraints and options they face within their largely fixed social context (Dannefer, Kelley-Moore, & Huang, 2016).

However, considering that power struggles, especially between women and men develop differently in most societies, we apply nego-feminism as a complementary framework. In nego-feminism, the focus is on women acceding to a "patriarchal bargain" to earn certain rights or privileges (Kandiyoti, 1998). Such a bargain includes conforming to gendered appropriate behaviour (e.g., being submissive, being above reproach in terms of sexual behaviour, making donations and financial contributions, etc.). Nego-feminism also focuses on "negotiation, give and take, compromise" (Nnaemeka, 2003, p. 378). The nego-feminism framework is one case of gendered power enacted and supported through the performance of gender as it is embedded with both activity (including resistance) and agency at its foundation (West & Zimmerman, 2002, p. 99). Yet, since male-dominated power has not been adequately problematized in Africa context as it is done in western Europe, nego-feminists have been relaxed to name and covertly undermine that power. As such, "the language of feminist engagement in Africa

(collaborate, negotiate, compromise) runs counter to the language of western feminist scholarship and engagement (challenge, disrupt, deconstruct, blow apart)” (Nnaemeka, 2003, p. 380). This probably signifies the cultural significance of the collective (power with) as opposed to the individual in African culture or context. The approach has the benefit of all-inclusiveness, and of being less threatening to men, with African women “defining and modulating their feminist struggles in deference to cultural and local imperative” (Nnaemeka, 2003, p. 380). This difference as shown in language reflects the approach to gender equality and women empowerment between the two worlds. The following section looks at the legal and institutional environment shaping gender equality and women empowerment.

### 6.3.2. Institutional and Legal Framework Addressing Women Empowerment in Ghana

In recent years, Ghana has introduced various legal, institutional, policy and administrative measures toward achieving gender equality, women emancipation, and social development (Government of Ghana, 2015). Gender equality and women’s empowerments are strategies for reducing poverty levels and minimizing social injustices between women and men. Indeed, achieving gender equality is regarded as the attainment of human rights and a prerequisite for sustainable development. The World Bank (2012) asserts that “gender equality is a core development objective. It is also smart economics. Greater gender equality can enhance productivity, improve development outcomes for the next generation, and make institutions more representative” (p. 20). The ideology of the government of Ghana has always interpreted women’s empowerment as a crucial resource for development (Government of Ghana, 2015). Hence, the government is showing commitment to international instruments (e.g., the Sustainable Development Goals, the Convention on the Elimination of All Forms of Discrimination Against Women, etc.), legislating law, formulating national development framework and decentralizing decision-making power to promote egalitarian goals.

Historically, the government's efforts toward achieving gender equality date to the Representation of the People (Women Members) Bill in 1960, which led to the appointment of 10 women activists to the legislature in recognition of their role during the country's struggle for independence from the British colonial authority in March 1957 (Government of Ghana, 2015). Also, ensuing the fourth United Nation's World Conference on women in Beijing in 1995 and the Beijing Platform for Action, the Department of Gender was established in the Office of the President of Ghana to facilitate cooperation among the relevant government agencies, civil society organizations and non-governmental organizations to support government-wide efforts in the emancipation of women through income generation, social mobilization, and social development.

Subsequently, in 2001, the Ministry of Women and Children's Affairs (now the Ministry of Gender, Children and Social Protection) and Gender Desk Office at the decentralized Metropolitan, Municipal and District Assemblies were established to address the structural violence that creates women's social and economic injustices (Dowuona-Hammond et al., 2020). Since then, the government's language of gender mainstreaming has become prevalent in many policy programmes and to recognize gendered relations of power and their relevance to achieving policy goals (Government of Ghana, 2015; Rossetti, 2015). Gender mainstreaming seeks not only to alter policymaking in advancing women's substantive representation and interests, but to acknowledge the relevance of men's views to creating equal treatment and a positive action (Squires, 2007).

In the last decade, the Ministry of Gender, Children and Social Protection has advocated and promoted the development of institutional actions, including the Commission on Human Rights and Administrative Justice, the Domestic Violence and Victim Support Unit of the Ghana Police Service, and the Legal Aid Scheme to safeguard women's interests and protect them from discrimination. This is supported by Article 17(1) and (2) of the 1992 Constitution

of Ghana that “a person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status”. Several laws forbid discrimination including the Intestate Succession Law, 1985 (PNDCL 111), which makes it a misdemeanour to unlawfully deprive a bereaved wife of the use of a deceased husband’s assets before the estate distribution; section 88A(1) of the Criminal Offenses Act 1960 (Act 29) considers it an offence to let a widow undergo any custom or practise that is cruel; and section 68 of the Labor Act, 2003 (Act 651) echoes the right to equal pay for equal work.

However, the extent to which these legislations are activated and enforced by the relevant regulatory agencies remain weak. As such, Ghana’s efforts toward achieving gender equality and the emancipation of women, men, girls, and boys have not been impressive as evidenced in its Human Development Index (55.8%), Gender Inequality Index (56.5%), the Social Institutions and Gender Index (26.2%), and the Gender-Related Development Index (56.3%) (World Economic Forum, 2021). The Gender Inequality Index measures inequalities in achievement between women and men in reproductive health, empowerment, and the labour market (Xhaho et al., 2021).

It seems that the government has not taken satisfactory actions on women’s economic emancipation as a key approach to improve women’s situations. For instance, the Lands Act 2020 (Act 1036) has not wholly tackled the various discriminatory issues about women’s land or mining pit ownership. In the arena of ASM where women and gender inequalities have deteriorated, the government’s legislations and policies have not tenaciously singled out the mining sector for women to benefit (Fofana-Ibrahim et al., 2020). As a result, women’s restricted access to employment and finance has in several different ways contributed to increasing their vulnerability to gender-based violence and subordinate position (Dowuona-Hammond et al., 2020). Following the background material and theoretical arguments, we

present the working hypotheses to guide our data collection and discussion of the empirical data.

### 6.3.3. Working Hypotheses

Feminist institutionalist and nego-feminist scholars have recognized that there is an ongoing power struggle from both within and outside the family. The institution of artisanal mining is currently experiencing monumental change. In the past, men dominated artisanal mining, and today, women are actively entering artisanal mining. This creates both opportunities and risks within the family and the wider society. Thus, we produce three working hypotheses to discuss the mechanisms underpinning increase or decrease in power renegotiations.

Hypothesis 1 (H1): *The impact of artisanal mining is opening possibilities for women and men to rebalance gender roles and power relations: Since women earn money and make a crucial contribution to the family's food basket, they will go all-out to change their status by tapping emerging opportunities to enhance their economic autonomy. Hence, improvement in women's self-confidence will also enable them to mobilize themselves under informal networks to improve their collective bargaining power. Consequently, we expect women's economic independence and their informal network to enable them to modify the existing gender roles and power relations within the household domain.*

Hypothesis 2 (H2): *Negotiating power through enacting appropriate behaviour: Since both women and men are expected to abide by the societal expectation of appropriate behaviour, women can strike a patriarchal bargain through their financial leverage to gain episodic power. Yet, we suspect that this might not be a sustainable way to alter the male-dominated power, which is designed to maintain an imbalance of power between women and men. Consequently, women's practice of adhering to appropriate behaviour suggests their passivity and reinforces the male-dominated power.*

Hypothesis 3 (H3): *Men enact dependency ties to retain their dominated power structures: As a reaction against women's increasing economic power, men tend to play by the patriarchal rules leading to the expansion of dependency ties. This is underpinned by the bride wealth system, which enables men to use violence against their female partners who attempt to challenge their authority.*

The following section describes the research design, methods and tools employed to gather the required data to test our hypotheses.

#### 6.4. Methods

We adopt a qualitative comparative case study approach to obtain detailed accounts of the experiences of local artisanal miners (Yin, 2018). A comparative analysis of women's and men's strategies could provide an insightful understanding of how power structures are challenged (Tiernan & O'Connor, 2020). We selected our cases from *Bole* and *Talensi* from two political and administrative regions in Ghana. On the one hand, both cases are similar in terms of the prevalence of extractive institutions of private property and societal enactment of appropriate behaviour rules. On the other hand, they differ to a great extent: First in terms of marital arrangement and practice, and second in terms of the customary systems, beliefs and norms regulating natural resource use and access. The similarities and differences make our cases uniquely complex and interesting for understanding the dynamics of gendered intersectional power. For a detailed comparative analysis, we selected *Dokrupe* and *Tinga* to represent our *Bole* case study, while *Datuku* and *Gbani* were chosen to represent our *Talensi* case study.

Field visits were carried out from February to May 2019 and from November 2020 to February 2021. Due to the informality connected to artisanal mining, rural communities are

often suspicious of “outsiders” and try to withhold vital information about their mining activities. As such, we developed rapport with gatekeepers (customary authorities and chairmen of the gold committees and concession leaders), which allowed our respondents to willingly divulge the data required (Buss et al., 2017). We used the purposive sampling technique to select our respondents to reflect the intersectional dimensions of artisanal mining (Buss et al., 2017; Mollett, 2017; Tiernan & O’Connor, 2020; Tracy, 2013): young and old unmarried and married women; women with a public role in their community; women with their own income, etc. The main selection criterion was women artisanal miners who were the primary breadwinner or part of a dual-earning couple within the household. We recruited our first respondent by conferring with personal contacts and then using a snowball sampling technique to identify and interview the respondents’ work colleagues and partners who were mostly engaged in less regular work (Tiernan & O’Connor, 2020; Xhaho et al., 2021).

We also relied on a mixed-methods strategy, including expert interviews, biographic interviews, focus group discussions (FGDs), and participant observation because of their complementarity advantage to gather various data (Buss et al., 2017). Biographic interviews were conducted with 32 women and 26 men to analyze the detailed account of the life courses of artisanal miners, factors influencing and shaping the life course, shifts in artisanal miners’ identities and gender roles (Xhaho et al., 2021). Majority of our respondents were temporarily living in the communities and thus the interviews took place at their homes, the mine sites and sometimes at community gathering point. We held 8 expert interviews with local authorities to gain an understanding of the discourses and metaphors that structure gold ore mining in pre-colonial, colonial, and post-colonial era, the gendered norms such as the discourses, dress and comportment, and the gendered institutions, including families, leadership, and property. In addition, we arranged 8 FGDs during our second field visit with different stakeholders identified in the participant observation phase. The FGDs were mainly comprised of few

mixed-gender groups, men only and women only working in different tasks, including processors, diggers, transporters/carriers, and caterers. We gained insights into women's collective actions to bring about change in the community either directly or indirectly. Finally, we reviewed the relevant local government legal frameworks and documents on women's economic activities.

The interviews were recorded in a research diary and notes. We examined the quality and consistency of responses and narrations in our daily debriefing meetings and the gaps identified were followed up in our next appointed interviews date. We developed codes and identified the most important themes, including gender roles, agency, and empowerment to facilitate a content analysis. We ensured that distinctive identifying characteristics were cloaked based on anonymity to reduce risk or potential harm to our participants (Buss et al. 2017). Our research instruments were critically examined by experts at the Interdisciplinary Center for Gender Studies of the University of Bern for ethical clearance. In the next section, we outline the contexts of the two case studies.

## 6.5. Case Studies: Gender Roles in Domestic and Non-Domestic Paid Roles in Ghana

### 6.5.1. *Bole*

Artisanal mining can be considered as the most changing feature of the local communities in Ghana. Since the colonial era, local communities of gold mining geographical zones have been witnessing large-scale immigration of people to the mines. Customary authorities who are senior males of the patrilineage have ancestral claims to not only land but also the mines left behind by European mining firms. They are responsible for granting permission for gold ore extraction in return for money and a share of gold ore extracted (Adam et al., 2021). Customary authorities wield influence over gold ore extraction due to their rise to power in recent times (Hilson & Maconachie, 2020). The customary authorities have recognized that they cannot

police artisanal mining alone and thus formed gold committees (without female representation) to collect fees, rents, and rates as community shares. The community shares are managed and supervised by a Board of Fund Trustees, which has one female representation. The gold committees are also empowered to make rules-in-form (semi-formalized rules) and rules-in-use (the dos and don'ts learnt on the ground) (Leach & Lowndes, 2007).

The gender norms are characterized by a strong patriarchal mindset, which tends to be expressed in the most extreme form. For instance, women are particularly expected to adhere to certain appropriate behaviour (e.g., offer affection to one's visitors and strangers, be above reproach in terms of sexual behaviour, be submissive to her husband, contribute toward local initiatives, etc.) (Matambirofa, 2013). These behaviours can be facilitating or constraining depending on how it affects the people (Tiernan & O'Connor 2020). Appropriate behaviour is also embedded in the marital relationship between a woman and a man. "Marriage is a social commitment that establishes a social relationship, not just between two people, but between families and communities. [...] If it is discovered that a wife is not subordinate to her husband, she can be isolated by the extended family" (Rutero, 2015, p. 309). These social sanctions operate to keep women subordinate to their husbands and work to maintain the status quo despite the evolving changes induced by artisanal mining at the local community level.

#### 6.5.2. *Talensi*

In 2006, Ghana implemented a decentralized system of small-scale mining governance to support existing and prospective artisanal and small-scale miners to formalize property rights led to a rise in the issuance of mining licenses especially for foreign nationals across many mining areas in the country including the *Talensi* area (Adam et al., 2021). The licensing regime gave rise to new concession holders in *Talensi*, including *Purbotabaa* and *Yenyeya* Mining

Groups who have over the years sublet to foreign and local artisanal miners, including women for a share of profit (Adam et al., 2021; Van de Camp, 2016).

In the first phase of artisanal mining, the predominant pattern of gender roles within the household domain was that of women being responsible for tethering sheep and goats in the backyard, cooking, and caring for family members, and men serving as the breadwinners. As women gradually began entering the mining paid labour force, they became exposed to gender regimes, which affect gender roles and relations in these communities. Gender roles and relations vary depending on the context in which they are established. While within the family context, gender norms are more traditional, outside the family they appear more liberal or democratic in formal agencies. Women who perform both domestic tasks and non-domestic paid roles experience a double work burden, which has implications on their health (Vullnetari & King, 2016).

Simultaneously, the nature of the mandatory bride wealth system pushes women to play both non-domestic paid roles and perform domestic responsibilities as they are subservient to their husbands (Jackson, 2012). The bride wealth legalizes the marriage and gives the husband a license to “oppress” and “force” a wife to stay in abusive positions. The exchange of the bride wealth during which the community usually serves as a witness activates a community norm of reacting negatively to someone who fails to meet their exchange obligations (Jackson, 2012). These gender relations would come to play an important role in structuring women’s efforts to emancipate themselves through active participation in the mining labour market in both the *Talensi* and *Bole* areas.

## 6.6. Results – Renegotiating Gender Roles, Women Agency, and Empowerment

In this section, we draw on the similarities and differences between men and women’s views of the impact of artisanal mining on gender roles to untangle women’s ability to renegotiate

gender roles and then their subjective feeling of empowerment, agency, and power relations in these mining communities.

### 6.6.1. Impact of Artisanal Mining on Women's Ability to Renegotiate Gender Roles and Power Relations

#### 6.6.1.1. The *Bole* Case

The data gathered from our empirical study shows that men own all the mining pits in *Bole*. Both females and males indicate that men perform masculine roles, including drilling, detonating rocks, reinforcing pit walls with logs, gathering, and hauling rocks from the pit to the surface of the earth, and processing gold ore (FGD in *Dokrupe*, 10/11/2020: Father/husband (50years), Woman/artisanal miner (46years); Mine sponsor (42years), Interview, 11/11/2020). Women in the mining sites mostly performed feminized roles such as preparing meals, hauling water, providing laundry and catering services, and vending food, beverages, alcohol, and medicine (Buss et al., 2017). A comparative assessment of the different roles in artisanal mining suggests that women are discriminated against and marginalized from the more remunerative roles and positions. Both interviews and FGDs show that men have not considered women's role in artisanal mining important as they describe women's roles as a "token" (In *Dokrupe*: Father/husband (50years), FGD, 10/11/2020; Mine sponsor (42years), Interview, 11/11/2020). This was also evident in their total absence in the gold committees and board of fund trustees. The results suggest that the rights of women have been and still are steadily contradicted by discriminatory and exclusionary customary norms.

Nonetheless, women continue to recognize artisanal mining as a significant life event and the most turning point in their life trajectories, which formed a new basis for them to renegotiate gender roles in the household domain (Wife/mother (52years) in *Dokrupe*, FGD, 11/11/2020). In the households that had boys participating in artisanal mining, girls took up the

responsibility of watering, feeding and tethering livestock in the neighbourhood (Mother/wife/artisanal miner (56years) in *Dokrupe*, FGD 22/11/2020). Also, boys take up the roles performed by girls who have left the home to work in artisanal mining. These roles include helping mothers to prepare meals, wash cooking utensils, tidy up rooms and surroundings (ibid). More young boys and girls were participating in artisanal mining because, first, they do not have land to engage in farming directly and second, they need to accumulate enough money quickly for marriage, which they deem very important for their sense of belonging and social achievement in the community. Girls spend their money to purchase pieces of cloths, water barrels, travelling bags, saucepans, a gas cylinder, and a burner for marriage while boys spend their money on the bride wealth and social events (Unmarried woman/artisanal miner (17years) in *Dokrupe*, FGD, 22/11/2020). The women only FGD results show that girls who refuse to comply with the societal expectations around early marriage and early pregnancy are not recognized and respected by the local people. As such, they are compelled to temporarily look for economic opportunities in artisanal mining.

Also, our interviews show that married women in artisanal mining have managed to relegate their domestic roles to their partners. The early discourse that the women's roles were confined to the kitchen and bedroom alone has been changed. "When women leave for work in the mine, their partners are responsible for nurturing and caring for the children. When the husband travels or goes to work, women weed in around the home and in the family garden" (Widow/artisanal miner (52years) in *Tinga*, Biographic interview, 14/12/2020). Previous gender-based roles around childcare, tethering of small ruminants and gardening are changing in ASM households. Tracing back to her youthful days, the 52-year woman indicates that changes in gender roles were occurring at a slow tempo and were not noticeable until now due to women's economic emancipation, evolving gender regimes and the role of civil society.

The change in gender roles within the household domain provides women with a stable mindset to work in the mine meticulously through which they earn money to support the family's budget. As a result, women have gained decision-making power concerning consumption patterns, expenditure level, investment options and financial management in the household. Women's attitude towards artisanal mining suggests the normative double expectations they face as seamless housewives, considerate mothers, and virtuous workers. Some of the women in *Dokrupe* (3) and *Tinga* (5) indicate that their new economic independence has boosted their confidence and enhanced their capacity to question the gendered ideologies of a husband as the key financial provider and breadwinner in the household. A woman indicates that she has full control over her money and supports "the financial liability of external family relations freely and adequately. She invested in a *fufu* grinding mill, a mechanized borehole, and a provision shop to have sustainable income inflow. Presently, she can attend social events after divorcing her abusive husband who wanted to remote control her" (Businesswoman and former miner (41years) in *Tinga*, Biographic interview, 18/12/2020).

Though the above narrative embodies a form of empowerment, it should be contextualized within the ubiquitous traditional gender roles and socio-cultural norms influencing perceptions of women's independence, marital relation, and divorce. The 41-year businesswoman had grown in somewhat a patriarchal society where women's liberty and independence had seen little progress. The power to divorce appears to have been triggered by the woman's economic autonomy. The woman also became the main provider of the son's needs as her former husband contributes nothing. The son informed us that "his status has improved because of the businesses and assets owned by his mother", which he manages (Son/Junior School leaver (17years) in *Tinga*, Biographic interview, 20/12/2020). The boy's

narrative suggests empowerment through association with an influential person—i.e., his mother. The former husband was not empowered through the woman’s wealth.

The interview indicates that the former husband physically and emotionally abused his ex-wife and justified it as “the only means to discipline women who refuse to be submissive or demand equal distribution of domestic roles. In their community, men are always family heads irrespective of their economic status and have the natural power and authority since creation to provide direction to family members” (Auto-mechanic/former husband (45years) in *Tinga*, Biographic interview, 28/12/2020). The narrative shows that patriarchy was particularly reflected in the gender attitudes and practices of the husband who confirmed that he had been violent towards his ex-wife. The man’s attitude seems to be in line with the gender role expectations of the local community and others in Ghana (see also Sikweyiya et al., 2020).

#### 6.6.1.2. The *Talensi* Case

As the data from the *Bole* Case, the data from *Talensi* shows that artisanal mining is playing an important role in reshaping gender and power relations within ASM households and providing women with new opportunities to improve their lives in the *Talensi* area. The data indicates that in *Talensi*, men perform laborious roles due to their technical skills, expertise, and physical strength. Women, on the other hand, are given monotonous roles, including panning, washing, and transporting rocks to the homes of mine sponsors/owners. Though women were asked to bring “excellent” skills to artisanal mining, they were usually dissuaded from taking the lead roles. Some informants believed no difference between men and women exist in the mining sites and that only the efforts put in the work mattered and not the gender of the persons involved in artisanal mining (Mother/artisanal miner in *Gbani*, FGD, 13/4/2021). It appears that some mine sponsor/owners were not relaxed about assigning women to do more complex accountable driven tasks (A mine sponsor in *Gbani*, Interview, 14/4/2021).

The data shows that although in most cases women were not allowed to enter a pit during their menstruation period for spiritual reasons such as a potential “low returns”. Women who could prove they were not menstruating were allowed to enter the pit. For these women, “the pits are no longer a boys’ ghetto” (Mother and artisanal miner in *Gbani*, FGD, 15/4/2021) and indeed is evolving because of increased female participation and women groups’ recent (since the mid-2000s) advocacy for more female visibility in artisanal mining.

However, the data indicates that men earn more than women due to differences in the roles assigned to them. Despite the wage differences, women participation in artisanal mining has been growing steadily (Buss et al., 2017; Hilson & Maconachie, 2020). Some women in ASM believed that because the sector is a male-dominated environment, they often sense that they are not welcomed (Widow/mother and artisanal miner (62years) in *Gbani*, FGD, 13/1/2021).

The income earned from artisanal mining enables women to make contributions to the household realm, which grants them improved social status to adjust the dynamics of household decision-making concerning food to cook, family planning and children’s social welfare (Wife/mother and artisanal miner (44years) in *Gbani*, FGD, 13/1/2021). Indeed, most of the participants perceived women as being more independent than before and more in charge of their actions or decisions. As such, 11 women in *Gbani* indicate that they used their earned money to support their husbands to buy agricultural inputs for crop farming even though their husbands were yet to acknowledge and appreciate their contributions (Wife and artisanal miners (37years) in *Gbani*, FGD, 13/1/2021). In the men’s only FGDs, most of the men indicate that women have often supported their husbands. A man who lost his job expressed the colossal impact on the roles his wife performs.

‘He asserts that when both his wife and he engaged in non-domestic paid work, they had almost similar power and rights. But currently, his wife is the main wage earner and

financial provider, which makes her have power over him. He felt his authority in the household is diminished as such. His unemployed situation has incapacitated him to perform his masculine roles and is uncertain about his future marriage' (Unemployed man (42years) in *Datuku*, Biographic interview, 20/1/2021).

This narrative shows that unemployment had negative effect on the man's life course. Using the notion of "job loss crisis" as a major spinning point in this man's life granted us new understandings of how his household perceived and formed gender relations in the household labour division. While the man lingers unemployed, his wife was elevated to the status of the main breadwinner, which endowed her with more power, but also additional household care responsibility. The wife explained the impact of her breadwinner position as follows:

'Despite being the sole financial provider, she still performs the domestic roles. Her husband does not support her to do domestic work. She had wished that she stayed home to perform domestic roles including, cleaning, washing, cooking, and keeping the home in general. But she still must do domestic chores and at the same time work in the mine"' (Mother/breadwinner (43years) in *Datuku*, Biographic interview, 20/1/2021).

The above narrative illustrates that the woman was inclined to dismiss the worth of domestic work since it appears that she did not regard her domestic chores as relevant work. While artisanal mining provided women with economic independence, the scope to which women's non-domestic work enables them to take on more liberal gender roles is vague. There were instances where women argued that their partners often "feel uncomfortable to perform domestic roles, especially in compound houses due to potential scolding from men who enter the houses" (Mother/artisanal miner in *Datuku*, FGD, 25/1/2021). The FGD indicates that men perform roles that appear masculine or neutral (e.g., looking after children) but do not like to perform feminine-defined roles (e.g., washing, and drying women's clothes in the house compound (Husband/farmer in *Datuku*, FGD, 25/1/2021). This suggests that men are doing

gender by expressing their reluctance to take on the feminine associated everyday task, albeit their readiness to take on masculine-defined and non-monotonous domestic tasks increased to some extent to reclaiming their masculine identity. The experiences of women and men indicate how gender relations, roles, and hierarchies are either undermined or intensified.

In summary, our data show that woman's transition to the main financial provider in the household appears to be undermining the role of men in both *Bole and Talensi*. At the same time, women's risk of physical abuse increases. In all-male FGDs, the general observations were that gender roles have shifted and men perceive these changes as endangering the dominant traditional patriarchal norms in the society. This pushes some men to react violently towards women. Nonetheless, most women have demonstrated their economic emancipation and liberty, which enabled them to renegotiate power relations within their households and influence power holders at the broader community level.

#### 6.6.2. Women's Narratives of Agency and Emancipation

In this section, we describe the situation where women's lives are transformed from a situation where they had limited power to one where their power is enhanced (Veneklasen & Miller, 2002). It illustrates how women's narrative of agency activates emancipation (Dwyer & Minnegal, 2010). McNay (2000) describes agency as 'the capacity for autonomous action in the face of often overwhelming cultural sanctions and structural inequalities' (p. 10). While empowerment is the expansion of agency, power, or autonomy of preference to influence one's life for the better (Narayan, 2005). However, Dwyer and Minnegal (2007) have cautioned that when people exercise agency or act independently, the choices they make do not always result in the intended outcomes or empowerment.

#### 6.6.2.1. The *Bole* Case

Our data shows that many of the women indicated to have gained increased knowledge about the justice system, which enables them to access the formal court in *Bole* when they experienced violence from men or when their rights were being trampled. These women began to raise issues concerning their fewer rights relative to men because of their improved economic emancipation (Alkire et al., 2013; Fofana-Ibrahim et al., 2020) and the role of the community-based organizations, which have contributed to increasing women's level of self-consciousness. The results indicate that local committees (e.g., water, sanitation, and hygiene (WASH) committee) have seen a steady increase in women representation for their voices to be heard (Woman leader (67years) in *Tinga*, FGD, 28/12/2020). This suggests that women were progressively undermining the oppressive norms of patriarchy, which often requires that women remain in positions that are subordinate to men.

Some of the women described their emancipation in terms of improved physical and mental autonomy and self-responsiveness. For example, for three continuous years, *Tinga* had no chief and the future of the children, youth, women, and their livelihood were in jeopardy. As such, a woman spent her money to help one of the claimants to the skin to pursue a court case, which led to the coronation of the chief the court deemed appropriate to enhance peace and tranquility (Mother/artisanal miner (49years) in *Tinga*, Biographic interview, 30/12/2020). While another benevolent artisanal miner donated the equivalent of US\$2000 toward the “formalization of land rights for the construction of a community senior high school and renting of home for newly posted teachers and nurses to the community” (Businesswoman/artisanal miner (43years) in *Tinga*, Biographic interview, 31/12/2020).

These two narratives exemplify how women gained agency and resilience in dealing with community quandary. The women uttered their empowerment, not in terms of their economic independence, but in terms of the “sacrifice”, they made to the benefit of all, for the sake of the

children's education and the community's social progress. Again, the attitudes of the benevolent show that they were adhering to appropriate behaviour in the local community (Kandiyoti, 1998; Tiernan & O'Connor, 2020). In the eyes of the local community, women who make financial contributions to community initiatives gain privileged status, which enables them to potentially affect policies, discourses, decisions, and relationships that affect their lives and interest (Opinion leader (63years) in *Tinga*, interview, 31/12/2020).

In attempting to understand these women's conceptions of empowerment narratives, we considered how their past experiences of the double work burden play out or resurfaced under different social and cultural conditions in their quest to work towards self-independence. Our data shows that women's double work burden increases their susceptibility to precarious work conditions. For instance, combining both household and artisanal mining roles, "the woman wakes up at 4am to tidy up the compound, cook and prepare the children for school before leaving for the mines at 6am. She returns home at 8pm to cook, wash the children's uniforms, bathe the children, lay their mats, and rest at 10pm" (Wife/mother (34years) in *Tinga*, Biographic interview, 08/1/2021).

Despite the double burden, the 34 years' mother in *Tinga* has no plan to give up artisanal mining since it is her main income source for tackling family and relational needs. The narrative highlights women's resilience and capacity to adapt to both domestic and non-domestic paid jobs, which suggest an agentic response sparked by internal and external financial uncertainties (Xhaho et al., 2021). Thus, women taking breadwinning responsibilities including attending to the financial needs of family relations have broadened their burden.

Our interviews and FGDs show that women's collective agency was the actual modification or game-changer when they lobbied and advocated the central government for a mining concession. This resulted in the launching of the '*Tinga* community mining scheme' in October 2020 to create both direct and indirect sustainable jobs for local citizens, particularly

women (Women leader (67years) in *Tinga*, FGD, 31/12/2020). Their collective actions also resulted in the construction of the Community-Based Health Planning Center in *Dokrupe* to improve prenatal and antenatal health services (Mother and food vendor mine site in *Dokrupe*, FGD, 8/1/2021). Nevertheless, there were few instances where women's economic independence did not influence patriarchal structures. For instance, the views of the women representative in the Trust Fund Board were often not prioritized by men (Member of Trust Fund Board in *Tinga*, FGD, 1/1/2021).

#### 6.6.2.2. The *Telensi* Case

The data for *Talensi* shows that women's experience of economic independence grants them the self-confidence to access credit without fear of default (Women's leader/mother (50years) in *Gbani*, FGD, 5/2/2021). Eight women indicate that they have applied for loans from microcredit companies when they faced financial distress. Women's financial power enables them to redistribute the burden of care responsibilities with their partners such that they can have more time for leisure and socialization (Wife and artisanal miner (42years) in *Gbani*, FGD, 5/2/2021). Due to women's financial strength, it appears that their partners (husband/man) have gradually begun to widen the net to consult them on matters affecting the family. While some men observed that it was liberal to include women/wives in decision-making fora, they underscored that the ultimate decision-making power remains with men. This suggests that men have allowed no clue that women had the power to make them decide on anything that did not go well with them.

There were instances where women's agency and capability to decide actions and carry them out appear to be a form of disempowerment. For example, some women mentioned that when they leave the mine, they must abide by the patriarchal authority or risk physical abuse. These women lamented that they did not experience mental and psychological sovereignty

when they deviate from the traditional gendered order. They emphasized that undermining the personal status associated with men's gender roles as financial providers caused violence against them. It emerged in all the FGDs that men have power over women due to the bride wealth system such that whenever they stray from the traditional gendered order, they face an increased risk of emotional and physical abuse and are sometimes prevented from entering their bedrooms. Women are admonished from walking away from the marriage and 'if a woman walks away, her family members will forcefully return her and inform her to enjoy both the sweet and sour of marriage because the family is not prepared to return the bride price' (Wife/mother and artisanal miner (65years) in *Datuku*, 10/2/2021). The narrative suggests that women's ability to opt out of an abusive relationship is limited due to the cost of returning the paid bride wealth, including bulls, guinea fowls, schnapps, and money. These items are often transferred to the male siblings who also use them to marry their wives (Widow/mother and opinion leader (74years) in *Datuku*, FGD, 11/2/2021).

Our interviews show that women were more inclined to promote individual agendas than attempting to ensure transformational changes at the wider societal level through collective action. This is because their access to artisanal mining is heavily dependent on local power structures, which make them easily bow to the pressure from male-dominated power in return for stable livelihood. Even under the women's informal network (e.g., *susu* and welfare association) formed to inspire women to help themselves to promote their collective interest, women still appear timid (Wife/mother and opinion leader (68years) in *Gbani*, FGD, 19/2/2021). We found that several women's networks already exist including workers' unions and cooperative associations. The "*susu* and welfare association" meets once a month to organize events for the elevation and acquaintance of issues around gender violence and trials allied to their career. The invitation sent to the gender desk office of the district assembly for the launch of the "*susu* and welfare association" shows that it is a network formed to meet

informally and discuss issues related to women in artisanal mining and to gain public support for their activities. In the women only FGD, the women indicate that they often discuss issues concerning managing a family and artisanal mining, which requires them to leave their children behind. The minerals and mining act 2006 (Act 703) outlaw the direct or indirect participation of children in mining due to global certification standards and the health implications on them.

Despite the informality attributed to this network, it was attended and launched by senior officials at the Regional Coordination Council and District Assembly, including the Gender Desk Office. An already existing formal network such as the Northern Patriot in Research and Advocacy and IBIS Ghana plan to organize future events for the network, provide high-quality experts in gender to give women the opportunity to confront, debate and learn from other females working in the formal mine. Interviews with some senior officials of these formal networks indicate that they have organized five different fora in the last decade to build the capacity of women on shared decision-making to disturb the despotic patriarchies and existing male perpetrated violence. Our interviews show that the formation of the association evidence that women are not just “token” as perceived by men in artisanal mining, but instead they are forming links and social networks to promote change and advocacy within artisanal mining and beyond. Simultaneously, however, because artisanal mining is so embedded in its ‘gender-blind’ structure, women have not yet recognized that their informal gathering is part of the current formal mining practice in use, not only in Ghana but also in other parts of Sub-Saharan Africa. In any event, the network has not been strongly and independently used to campaign and advocate power holders to abolish female genital mutilation or the bride wealth system which enslave them. Rather, the association has financially and materially supported the Movement of *Gbani* People for Justice (MGPJ) to pursue a court case against the Shaanxi mining (Ghana) company limited for compensation over loss of common-pool resources (Wife/mother and opinion leader (68years) in *Gbani*, FGD, 19/2/2021).

We also noticed that women's empowerment was limited in the public domain as they publicly spoke positively about the male power holders and yet silently chastised them for keeping them in a backward position relative to their colleagues in other parts of the country (Mother and mine worker in *Datuku*, FGD, 22/2/2021). This suggests that women were still timid probably due to the impact of the bride wealth. Contrary to studies elsewhere (e.g., Adams et al. 2019) that combining active domestic and non-domestic paid work with authority augmenting programmes (e.g., sensitization, awareness creation, education, etc.) create a possibility for women to take independent action towards more equal gender relations between men and women, our data shows that women's exercise of their agency is deeply intertwined in institutional restrictions.

In summary, the data from *Talensi* and *Bole* both demonstrate that blowing apart the myth of the housewife by participating in artisanal mining can be regarded as a breakthrough in women's advancement to self-autonomy. This is because most of the women from both case study sites established their narratives under a strong supposition that their autonomy was attained through *wage activities* in artisanal mining, continually *negotiating their identities* and *adhering to appropriate behaviour*. And although, these mechanisms constitute important explanatory power for women to undermine the male-dominated power. Nonetheless, these women still had to conform to the traditional housewives' roles and do gender by taking on a greater share of the domestic tasks in the home. While we celebrate women's economic empowerment as granting them episodic power—i.e., the irregular exercise of power (Clegg, 1989), economic empowerment alone is insufficient to sustainably challenge, weaken or undermine the oppressive norms of patriarchy in *Talensi* and *Bole*.

## 6.7. Discussion: Dilemma of Gender Equality and Women's Empowerment

In this section, the application of feminist institutionalism and nego-feminism are used to shed light on the complex and dynamic interplay between *structure* and *agency* over the life course of artisanal miners. Explaining the connection between structure and agency is crucial for comprehending artisanal mining and its impact on both the household and societal level. Feminist institutionalist scholars have argued that “formal and informal institutions are gendered and that the operations of informal mechanisms that shape institutional processes, developments and outcomes can therefore have different effects on men and women operating in these environments, as well as on the products (norms, rules, policies, and laws) that these institutions produce” (Krook & Mackay, 2011). Our empirical evidence suggests three speculative transformations of gendering and gender relations occurring within the household domain and the wider society.

### 6.7.1. Changes in Gender Roles and Relations Within the Household

Our case study empirical evidence shows that despite women gendered minorities in the extractive industry leading to their exclusion from representation in the gold committees or limited representation in the Board of Fund Trustees as several scholars have argued (e.g., Bourdieu, 2001; Tiernan & O'Connor, 2020). Artisanal mining continues to play a crucial role in reshaping intra-household gender roles and power relations by providing new opportunities for women to improve their lives (Boeschoten, 2015). Contrary to the seemingly inconsistent, incoherent, and unequal roles proliferated among which women have emblematically and been “worthless” in the mining sector (Boatcă. 2021). The empirical evidence shows that by participating in artisanal mining, women earned money for themselves, nuclear and extended family relations for basic survival, similar to observations elsewhere (see Buss et al., 2017; Fofana-Ibrahim et al., 2020). Women transitioning from being dependent and becoming the

family's main breadwinner serve as the major pathways to self-autonomy for them. Women gained self-confidence, self-consciousness, and self-esteem to question the gendered order of things within the household and in their communities.

However, these changes in gender roles and potential avenues for empowerment is by no means only attributable to the economic gain or financial emancipation alone. We also observe that sensitization, education, and awareness creation on gender equality by community-based organizations (CBOs) including, Jaksally Development Organization and Mantenso Friends of the Earth Center who have a specific focus on equitable access to natural resources did play a major role in these gender roles transformations. As informal networks to women, these CBOs have their mandates as vehicles of change to promote women's agendas. The CBOs created programmes to advance women's lives and opportunities to engage directly with the public on women's interests. The informal networks—i.e., structure—women formed became the 'vehicle' through which they advocate equal and fair allocation of gender roles—i.e., agency. It is argued that when institutional networks are experiencing structural variations, strategic actors see opportunities to form mobilization and become sources of institutional innovation (Rossetti, 2015). As such, "women demonstrate agency as institutional and extra-institutional actors working in, through and against state and political institutions to effect social and political change, but the exercise their agency within institutional, cultural, and discursive constraints" (Mackay, 2011, p. 190). These structural alterations are supported by discursive moves that establish a change in ideas through the practice of discourse (Vickers, 2011). Our case study empirical evidence echoes Rossetti's (2015) observation that women can invigorate and help each other to advance in society if they organize in informal networks such as the "*susu* and welfare association".

To some extent, women's financial independence and their informal network are gradually altering the prevailing gender roles, relations, and expectations within the household

domain. These are signs that the growing number of women in artisanal mining and the critical junctures forcing changes in the household level are opening possibilities to rebalance the gender structures that were originally in place in an institution created and maintained by men for epochs. For example, our case study shows that men who lost their normative status as a breadwinner have started contributing to household chores, even if mainly taking on tasks that are considered less feminine. These tendencies evidence that gender roles were progressively unstable for women and men, girls and boys, as they appear generally to be shifting from a more traditional to liberal such that both men and women, boys and girls congruently participate in both domestic and non-domestic work (Xhaho et al., 2021). Nevertheless, it is worth noting that most of these households where changes in gender roles take place alongside the change to female breadwinner positions and the increasing male acceptance to take up roles labelled feminine have experienced agricultural labour market dynamics and migration patterns as life events in the past. This could have also aided them to transform patriarchal gender relations, while simultaneously varying the division of household tasks. Hence, the change in the division of household responsibilities in the family domain taking place is not a new phenomenon in this context except that this time men's propensity to incorporate a more liberal/democratic sharing of household tasks have just started (Xhaho et al., 2021).

Interestingly, despite the breadwinning women working full time both inside and outside the family, they managed to acclimatize the double burden of productive and unproductive labour amicably. This effect was mediated by the colonial ideology of the "superwoman" (Xhaho et al., 2021, p. 1446) and the impact of the bride wealth system (Jackson 2012; Matambirofa, 2013; Rutero, 2015). This observation falls short of what western feminist scholars might hope for, principally those concerned with institutional transformation through collective action taken by women to bring about change in society either directly or indirectly (Tiernan & O'Connor, 2020).

This study supports observations that in the situation whereby women and men deviate from the traditional gender expectation, they perform actions that strengthen their feminine or masculine gender identities (Greenstein, 2000). This enables us to understand why the 43-year mother and main breadwinner in *Datuku* (see section 6.6.2.2.) attempted to reduce the degree of gender deviance when her husband failed to satisfy the supposed breadwinner norm. The indiscernible work was perceived as naturally belonging to women and dates several years back when women's double load was a legitimized exercise. It seems that the woman was struggling to balance between having taken on more masculine-described roles; by continuously strengthening and adjusting unpaid domestic errands and thus, sticking to feminine identities that seem to stem from the colonial discourses that essentialized the role of women (Xhaho et al., 2021). The breadwinner's attitude echoes Butler's (2006) concept of performativity where masculinity and femininity were formed, played out, and reinforced through the normative expectation of housework.

Perhaps the selective capacity building programmes targeted at only women by the CBOs and CSOs at the expense of men might have influenced the lack of broader changes in social norms. Comprehensive sensitization on gender issues alongside financial emancipation could help induce broader community changes to social norms as observed in other contexts of resource extractions (see Adams et al. 2019).

#### 6.7.2. Enacting "Gender-Appropriate Behavior" to Gain Episodic Power

Although many women regarded themselves as disempowered by the traditional structure preventing their inclusion in mining committees, especially in comparison to their partners, some women still managed to exert episodic influence and power in their local communities through strategic enactment of the so-called "gender-appropriate behaviour". The notion of appropriate behaviour suggests what West and Zimmerman (1987) have labelled "doing

gender”, whereby women direct their behaviour so that “the outcome is seen and seeable in context as gender appropriate—i.e., accountable” (West & Zimmerman, 2012, p. 12). It is also the case of what is often stamped as “situated conduct that is locally managed in the light of normative conceptions of what constitutes appropriate behaviour for members of a particular sex, race, and class categories” (Fenstermaker & West, 2002, p. 212). Our case study points out that women are continuously self-categorizing and managing to conform with the existing societal expectations within a constraint of patriarchal control whereby submission leads to improved ability to exert power (Kandiyoti, 1998). Women conforming to rules of appropriate behaviour regard themselves as having agency in their communities including participation in decision-making on local development initiatives (e.g., *Bole*). This is in tune with Nnaemeka’s (2003) negotiation, give and take, compromise nego-feminism, which suggests that by focusing on appropriate behaviour the terms and conditions under which women’s emancipation occurs are made clear.

Spotting that appropriate behaviour as components of societal rules applies both to women and men and considering that adherence to appropriate behaviour is governed by the wider society, women were adhering to appropriate (e.g., making a financial contribution toward land titling in *Bole*, and supporting MGPIJ to demand justice in *Talensi*) to bypass the accepted aspects of the patriarchal society that are consciously crafted to maintain disparity of power between women and men. Hence, women were striking a patriarchal bargain (Kandiyoti, 1998) by fulfilling the expected social norms, and by being answerable to their local community, women were winning the right to gain access to power. In this context, individual women or small groups of women can exert alteration on “specific issues and feel emancipated, but only within the taken-for-granted local limits of male-dominated power” (Tiernan & O’Connor 2020, p. 99).

However, there was insufficient evidence in our case study that women were applying appropriate behaviour to significantly undermine the patriarchal context itself (Kabeer, 2005) or that women were vigorously “doing gender” for the persistence of ‘conscious and consequential opposition to systems of domination (Fenstermaker & West, 2002, p. 211). In principle, women were obliged to “accept their roles in the existing order of things” (Bourdieu 2001). It seems that the behaviour of women was within the framework of patriarchal control such that women were not “motivated by alternative visions of the future order of things” (Akinwumi, 2012, p. 450).

Women’s access to episodic power through adhering to the patriarchal concept of appropriate behaviour seems to be a disappointing benefit in the eyes of western feminist scholars as it suggests women’s passivity and underpins the male-dominated power. However, it resonates with the nego-feminist lens where the attention is on negotiation within the existing parameters, and abstention of any express confrontation to blow apart the male power. This can be viewed as a practical response to male power. Women’s demand for mining concessions for example in *Bole* to deal with the negative impact of mining could be due to this patriarchal bargain. Thus, for these women, this constitutes a net gain. The vigorous process of patriarchal bargain leads us to appreciate the opportunities for change at the local level. To recap Fenstermaker and West (2002) “only by conceiving of social inequality as the product of ongoing interactional accomplishments can we understand how social change occurs. Thus, we see the notion of the social process itself as the source of both change and the inevitability of it” (p. 212).

### 6.7.3. Men’s Reactions Against Women’s Economic and Episodic Power

In this section, we discuss how men at the community levels aspire to defend their power and thereby resist women from using their economic power and influence to symbolically strip

them off from their so-called ‘superior traditional masculine position’. Our case study empirical evidence shows that an array of multiple masculine resources, including men’s idea of prerogative in household decision-making and rules-making, men’s alleged ownership of the body of their female partner and men’s idea that beating their female partner is legitimate and crucial for discipline were drawn by some men as subtle strategies to reinforce their supremacy, domination, and control of women. These forms of control and manipulation of women, which heighten female partners/wives’ susceptibility to violence obtain legitimacy from the bride wealth system. Our empirical evidence underscores the notions and justifications some men in the local communities draw on the payment of bride wealth and related customary requirement as part of the patriarchal privilege to support their use of violence against their female partners to keep the existing hierarchical gender structure unobstructed and thereby ward off blame as contended by other previous studies in Southern Ghana (e.g., Sikweyiya et al., 2020). Distinguishing features from the interviews with men holding public authority in the local communities show the excesses of demotion of women as some degraded their female partners and saw them as ‘objects of possession and household tools or implements for men’s agricultural productivity’ (Husband/farmer and *tindana* (69years) in *Dotuku*, FGD, 24/2/2021). This narrative constitutes an example of dehumanization and structural violence against women with the view to keep them in a subordinate position.

It also looks like the female partners/wives of violent male partners were aware of the violent outcomes to them if they dare challenge or undermine the authority of the man. Unlike Hearn (2012) who observes that male partners’ use of violence against their female partners is not an intrinsic component of hegemonic masculinity, our data seems to suggest that in these contexts in Ghana, the application of violence against female partners/wives was inseparable from the authoritarian patriarchy and thus constitute an intrinsic element of the expected and well-regarded authoritarian rule by some men within the family. In short, our case study

evidence has shown that the structures of patriarchy and related elements of marital arrangement or practices illuminated by the interviews and FGDs were related to those described by Walby (1989). However, these elements alone reveal slightly about the specific cultural context in which men construct and perform their masculinity and the embodied meaning of these different elements.

## 6.8. Conclusion

Inspired by feminist institutionalism, which recognizes gender relations as hierarchal and negotiational, which identifies the power of negotiation, compromise, give and take, instead of contestation (Nnaemeka, 2003), we have provided insights into more active and nuanced dimensions of women's and men's experiences of empowerment and agency in local communities in Ghana where the structural power is considered as male-dominated. Our data analysis foregrounds the intersectional mechanisms (e.g., wages and economic independence, gender-appropriate behaviour and informal network—*susu* and welfare association) snowballing women's power in the household, community, and wider society domain. Our case study shows that women's informal networks (structural changes) might produce the essential conditions for altering social/gender practices, but they may not be satisfactory to catalyze transformative change (McNay, 2000). Whereas we do not undervalue the role of structural changes in either thought-provoking or underpinning gender relations, such changes offer only a fractional explanation of women's sense of agency, as they can neither copiously explicate the complexities of women's experiences and actions, nor adequately elucidate the flexible ways in which women and men negotiate changes in gender relations.

Our case study also generated new insights into why some women in *Bole* to some extent have been able to challenge traditional gender ideologies, while other women in *Talensi* for example have continued to retain and reinforce these traditional gender ideologies. In both

cases, women have not been able to blow apart the male-dominated power as would have been expected by western feminist institutional scholars. Our empirical evidence is an imperative contribution to literature as they underscore how some structures of patriarchy—i.e., patriarchal mode of productions—play out to subordinate women and inform the construction of traditional masculinity amongst the men interviewed, which often manifested through the display of extreme gender-inequitable attitudes and use of various forms of violence against female partners (Walby, 1989). In addition, our evidence brings monumental nuance to the understanding of the links between patriarchy and male perpetrated violence against female partners as forms of male resistance mechanisms. Our empirical evidence also makes a milestone contribution to the ‘doing gender’ scholarship by showing that the enactment of appropriate behaviour enables women to negotiate powers.

While our study is produced from an African feminist perspective, we think that our analytical conclusions reverberate with Nnaemeka’s (2003) perspective that the contribution of African feminism is to illustrate how the feminist agency is both adapted and constrained by patriarchal social structures. Nonetheless, we have puzzled under what conditions will these same mechanisms be applied in western European society and under what forms of feminist agency could lead to long-lasting transformational change (Tiernan & O’Connor, 2020).

## Chapter Seven

### General Discussion and Conclusion

#### 7.1. Introduction

In this chapter, I present the general discussions of the main findings as effort to achieve the study aims. The study aims were to explore how decentralization reforms modify the balance of power between public administration in charge of land administration, customary authorities, and resource end-users; investigate how decentralization of the formalization of rights in artisanal and small-scale mining has promoted informal ASM leading to a negative impact on social, economic and environmental sustainability; and examine how the intersectional gendered power relations in mining communities of Ghana impact on women's access to power and ability to transform patriarchal social structures. Specific research objectives were derived from the general objectives to guide the case studies that were explored in Chapters 4–6 of the study. The next section (7.2) discusses the main findings derived from study. In section 7.3, I provide my reflections on the methodology employed for the study. I also provide the conclusion of the study in section 7.4. Finally, I present the way forward for future research and policy issues in section 7.5.

#### 7.2. Discussion of The Main Findings

##### 7.2.1. Power Struggles over Ownership Rights and Entitlement to Land

In this section, I argue that decentralization is more than just the introduction of new reforms and mechanisms for NRM. In simple terms, decentralization in NRM is about negotiation and contestation over resources. Understanding property, in this case land “as the relationship between people about things” helps illuminate the intricate networks that exist between property relations, family obligation, community life and power relations” (Nuijten & Lorenzo,

2009, p. 82). Therefore, conflict over aspects of property such as the differing claims to land ownership has consequences for multiple dimensions of social life. My argument is that decentralization reforms in Ghana have failed to holistically address other important issues in the local political context. Whereas in other countries such as West Bengal, decentralization reforms were introduced alongside other reforms (Crook & Sverrisson, 2001), in Ghana, decentralization reforms were implemented as a single coherent policy to address issues of governance and service delivery without giving adequate attention to other issues that shape governance within the locality. Decentralization in Ghana since the 1990s have failed to address the differing claims to land ownership. Decentralization reforms in Ghana are experienced at the local level through the inauguration of *local government structures* (e.g., Unit Committees, Sub-Metro, Area and Zonal Councils) and performing periodic *elections* but without conscious efforts toward addressing the fundamental questions of power.

My empirical evidence shows that in both administrative districts, the state worked vigorously to enforce a single (private) property rights system. In the *Talensi* case study, the state's efforts to institutionalize private property rights backfired and thus, both property rights and customary law alike remained fluid and insecure. In the *Bole* case, the state's efforts flourished where property rights and custom both became fixed and to some extent stable. I link these divergent outcomes to the structure of local political authority in which the property rights systems were embedded and the ability of the political actors to select and activate rules. In the *Talensi* case, no actor (whether the *tindana* or customary chief) wielded adequate coercive authority to end distributional conflict and enforce private property rights or alternative property rights system. Similarly, no actor was able to draw upon the coercive authority of the state. Thus, distributional conflict among actors persisted, unabated, and property rights remained insecure.

In the *Bole* case, however, one group of actors was able to draw upon the coercive authority of the state and using it to end distributional conflict in some way. This group of actors then reinvented the traditional institutions to channel that coercive authority, establishing a credible commitment to adhere to a single property rights system. Thus, coercion and cooperation co-existed, fostering some form of local investments in land. I have shown that the customary chief's privileged economic and political position grants him a powerful incentive to adopt the CLS to facilitate the formalization of property rights to land. Simultaneously, that economic position placed them at odds with poorer, vulnerable, and marginalized citizens of society, who also hoped to claim the newly valuable resources. As a response to commercialization of land underpinned by private property rights in the *Bole* case, landless people have drifted to work in informal artisanal and small-scale gold ore mining as labourer on their previously held land.

Based on this finding, I rebuff the anarchocommunitarian claim that increase associationalism and democracy from below can increase participation is inadequate because the various structural and contextual factors that shape individual participation in local resource management are not considered. In similar term, I also refute the technocratic perspective that participation in governance can be orchestrated through appropriate institutional designs. This is because the state's created formal local government structures tend to overlook the differentiated nature of the community and the structural factors that shape community participation. Based on these challenges, I argue in favour of a neutral ground that combines, in a more dynamic way, both the institutional and sociopolitical parameters of decentralization that ingeniously manage a delicate equilibrium between representation and participation, and between technocracy and democracy reflected in both the technocratic and the anarchocommunitarian approaches to decentralization, respectively (Heller, 2001). The thinking around this position amalgamates both the subjective feeling of social actors and the

classical notion of citizenship in a more relational and contingent perspective (Geiser & Rist, 2009). This position is also informed by the fact that decentralization is primarily not only a managerial issue of improving NRM, but instead, a political process that involves the negotiation and redefinition of the institutional arrangements that govern the relationship between the state and its people. Thus, the process of decentralization of NRM is shaped by both structure and agency of the various actors and agencies.

It should be noted that increase associationalism and democracy from below may not necessarily sustain participation, transparency and accountability but reinforce the dominant position of the dominant local elites to foster the relations of patronage and perpetuate existing power relations (Heller, 2001). Thus, it is imperative for the state to develop and simplify techniques to implement its development programmes for monitoring and evaluation purposes, but how do such rational techniques permit the incorporation of complex, informal local practices that local people want and need to run their lives (Corbridge, 2008). Therefore, considering the occurrence of the practice of decentralization in ordinary social arenas at the community level, I advocate that decentralization policy and practice must move beyond the functionalist perspective of state-society relations. The mechanisms for decentralization should envisage neither the state nor society as positioned outside each other but, they are closely tie with one another (Corbridge, 2008; Midgal, 2001). Furthermore, both the state and society should not be conceived as distinct monolithic entities, immune from power and politics, but rather as complex and diverse, consisting of various actors and institutions. Perhaps, decentralization could be seen more as a social interface where various actors with different interest and agency behave politically to pursue their interest (Long, 2001, p. 243).

Following from the inadequate conception of state-society relationship in the decentralization discourse is the problematic conception of individuals and their relations to the state (Corbridge, 2008). Decentralization policy focuses on incentives for behavioural

change (Ribot, 2002). The justification for such an argument is made around the assumption that mechanisms for decentralization provides the incentives for state officials of the bureaucracy to work with local representatives, while local people are supposed to actively participate in the affairs of their locality and subsequently hold their representative accountable (ibid.). Also, devolution or democratic decentralization policy documents lean towards representative democracy that claims that strengthening and empowering local governments will make government more efficient and increase accountability and participation. Yet, the actual practice of decentralization reinforces the position of local elites and fails to transform existing structural factors that shape participation in decision making (Blair, 2000). Having discussed the over romanticization of active citizenship and the overreliance on formal local structures, I now shift my attention to the narrow conceptions of authority and power in decentralization.

#### 7.2.2. Critique of the Technocratic Approach to Decentralization of NRM

This section provides a critique of the technocratic approach to institutional decentralization of NRM. The theoretical literature on decentralization provides normative discussions on the standard procedures for devolving authority and power to local communities (Agrawal & Ribot, 2000). Devolving power through citizenship rights to the locality is a top-down managerial process and may not transform the existing power relations that shape interaction and cause social exclusion within a particular context. The complexity of institutions at play at the local level was illuminated. I have demonstrated the complex nature of institutions involved in community governance and management of natural resources, many were socially embedded as well as their dynamic and often contested nature. Berry (1993) states that institutions “constitute a contested terrain in which different interests are played out, subject to power and authority relations” (p. 20). Yet decentralization policy couches authority in simplistic terms

as putting in place within a delimited space a new authority structure “to coordinate individual decisions and regulate their implementation” (Plateau & Abraham, 2002, p.109). The assertion that institutions are subject to multiple interpretations and frequent redefinition during daily practice makes it very important for the processes through which authority is enacted and legitimated in daily practices to be explored.

Furthermore, the state bureaucracy at the rural areas in Ghana is perceived to be weak (Boarfo-Arthur, 2001). Concerns are raised about the use of authority as over simplistic and failing to consider the different claims to tradition and custom as sources of authority (Moore & Putzel, 2000). A further argument made is that it is difficult to identify and define simple authority structures that can take overall responsibility for community activities. Another obvious problem is the de-politicization of decentralization (Geiser & Risk, 2009). I demonstrate that local arena is not so harmonious and devoid of politics and power making. It is possible for authority to be simply enacted based on legal statutes derived from the state. However, authority is socially enacted and legitimated through practice often involving negotiation and contestation leading to competing claims to legitimacy and authority. The key issue in this study is that decentralization by its very basic intentions is a political concept. Hence it is important to re-politicize the practice of decentralization to highlight the contestations, struggles and negotiations that take place at the local level.

### 7.2.3. Re-politicizing The Practice of Decentralization

I argue that inadequate attention has been given to the dynamics of politics, power, and conflict within decentralized NRM, and to the ways in which decentralization processes intersect with such dynamics (Bebbington et al., 2004). The issues of politics in decentralization debates are narrowly focused on *elections*—as if this was the only developmental/social change at the local level—, which inadequately capture politics as essentially being about *governing*. The political

dimension of decentralization relates to how various stakeholders with diversity of interest, preferences, values, and ideas, consciously sort out their differences through cooperation, conflict, and negotiation (Leftwich, 2000).

Conceptualizing politics as a process of governing provides useful insights into the day-to-day accommodation, negotiation and contestation that take place in the decision-making arena, which is often sidestepped in decentralization and rather benignly conceived as a neutral “technology of government” maintaining the existing power relations within the community. The empirical materials in this dissertation demonstrate that the institutional arrangements failed to represent the interest of the people down the social hierarchy at the local community level. The empirical materials illustrate that conflicts over land and land related resources favours those who are already powerful within the local communities. Throughout chapters 4–6, I have highlighted how *structure* may further the *agency* of the more powerful in decentralized NRM.

From the case studies, a broad institutional shift in land ownership is observed from common to state and then to private property (or even *de facto* open access if exclusivity of use is not enforced) since the colonial era (Gerber & Haller, 2020; Haller, 2010). In the colonial era for instance, the enclosure of commons is legitimated through a discourse presenting land as “unused” land or “wasteland (Gerber & Haller, 2020). Consequently, the British “indirect rule” centralized power in paramount chieftaincies, who were regarded to have the allodial or ultimate title over natural resources (Boni, 2008). The “indirect rule” reinforced the authority of customary chiefs as the British forced a neoliberal order that require privatization as a remedy for the development of the mining resource dependent economy. Due to privatization laws, the customary chiefs get more bargaining power through the increase of land value to manage and allocate land and collect tax, rent and revenue (Haller, 2019). This neoliberal order shapes the transformation in relative prices and leads to a commodification of common-pool

resources. Changes in property rights lead to a rise legal pluralism in which different stakeholders with different bargaining power select and activate legal norms based on their specific interests (ibid.). For example, the customary chiefs select and activate colonial land legislations in their favour, while several former commoners lose their customary use rights. Customary chiefs also ensured that important traditional positions were taken up by lineage members of the first paramount chiefs who asserted their power through references to historical events.

The paramount chieftaincies also established Native Tribunals for the adjudication of conflicts between local resource end-users and disputes over land and land related resources (Boone, 2003). The Native Tribunals were established as a part of the British hierarchy of state courts, which imply that customary laws applied by the Native Tribunals could become “judicially recognized” as part of the common law of the country (Crook, 2008, p. 138). Thus, customary law became codified by the British in the colonial era, which serve to effectively empower and enrich local chiefs (Woodmann, 1996). This means that colonial government in Ghana strengthened the power of some customary chiefs and other few selected traditional leaders, while simultaneously destroying the owners of other many traditionally powerful actors (e.g., council of elders, *tindanas*, clan and family heads etc.) (Mamdani, 1996). However, many chiefs were known to abuse the far-reaching powers as Boone (2003) writes

“The system was also rife with abuse and corruption. Chiefs were known to privatize stool resources, exploit tenants, abuse debtors, and forsake material and spiritual obligations to their subjects: From the 1920s onward, popular protests and anger at chiefly abuses led to an ever-rising number of “destoolments” of chiefs. More ominously class-like tensions between commoners and chiefs simmered across the entire cocoa belt” (p. 154).

The implications of the colonial government administration for small-scale farmers or local resource end-users and women include deprivation of full and secure rights to the land and related resources. In several discourses, local resource end-users are acknowledged to have only use rights as subjects/followers/commoners of their respective customary chiefs (Boone, 2015). Land use rights were embedded in hierarchical descent-based groups, whereby “insider-outsider distinctions” were made particularly salient, and settlers were often regarded as politically subservient within the rural communities (Boone, 2015). Regrettably, the imposition of British Law had dire consequences on women because they were dependent on men after marriage and discharged from participating in politics.

However, the interest of the colonial government in natural resource extraction and privatization influenced it to establish the colonial judicial system as an alternative for dispute resolution whenever chiefs could not resolve a conflict. The use of colonial judicial system thus reduced the power of traditional dispute settlement (Tsikata, 2012). Apart from this, the early Christian missionaries also did transform the significance of local gods and shrines in rural communities, which were formerly used to punish resource use offenders.

In the post-colonial era, despite the persistent effort made over the years by central government authorities to wear down the scope of influence of customary authorities (Baland & Platteau, 1996), these customary authorities are resolute and retain the power to manage and control resource use and access. An example is the *Bole* case where customary chiefs have strong influence over NRM and governance of community affairs. As such, customary chiefs in Ghana (and in several parts of Africa) have now been included *de jure* in the decentralization process as members of the District Assembly and Regional Lands Commission with crucial consultative roles. This *de jure* status is reinforced by the lack of real interaction between the District Assembly and the local communities. Presently, in many rural communities of Ghana, customary chiefs remain the only cultural and institutional references for the majority local

resource users. Thus, customary chiefs remain very influential in the community—i.e., the lowest of the three levels of decentralization. The act of empowering these customary authorities, and the declining central government roles created a context where they often become the primary interlocutor between the decentralized entities and local resource end-users, generating real risk of abuse and elite capture (see Makadassou et al., 2007). The situation may appear even more complicated.

In *Bole* for instance, customary authorities are involved in the mobilization of local resource end-users and as such are described as dominating the decentralized process. Customary authorities select and activate customary law and statutory rules to manage natural resources but are accountable to their ancestors only. While in *Talensi*, customary authorities have been marginalized, leading some to resist NRM initiatives. For example, the *tindanas* have been able to prevent the customary chiefs from dominating the decentralized process by employing discourse and narrative and referring to tradition—first settler/spiritual father role. In *Talensi*, where customary chiefs are excluded from this new devolution process, and where they feel that their traditional roles as “owners” of the community are being undermined (e.g., by no longer being paid tribute by new resource users/commoners) they almost thoroughly become highly troublesome. Only few cases that local resource end-users will come all out to establish a relationship with customary chiefs by giving them honorary roles of benefactor and giving them tokens after extracting the resources.

All in all, the influence of these customary authorities in NRM does not seem to have led positive impact on local resource end-users, except their lineage and family members. The reinforcement of customary chiefs in NRM is a product of a legacy of the British colonial policies of indirect rule and a strong pre-existing chieftaincy. The present powers and authorities of traditional authorities is sacrosanct as being described by a senior government official:

“The position and power of traditional authorities is very strong and is based on the existing traditional norms, culture, customs and values. Traditional authorities determine who can use and access, when and where and how. Due to the power that they wield, chief directors and ministers of state must write or call to inform them if the government wants to enter their geographical territory or even send a staff to undertake monitoring and supervision of environmental law compliance.” (Senior government official, Ministry of Land and Natural Resources, Accra, 19/11/20).

### 7.3. Reflections on Methodology

One of the limitations with my methodology as evidenced in this research was its limited applicability for understanding issues to do with “nestedness” of the community to higher level organizations. The emphasis placed on the micro level to understand the practice and outcomes of decentralization of NRM on individuals within the community inadequately considered other important civil society players and other formal organizations within the locality. Similarly, the research methodology did not consider the linkage and interaction between the community and the district assembly and how this interaction shaped the outcome of decentralization. Another concern during the early stages of the research was the difficulty in identifying the key actors whose strategies and actions shaped local NRM within the community.

However, my position on the actor-centered power-aware approach is that different actors have different powers—that is, the capacity to do something or prevent something from being done—and different means. Therefore, the conditions and environment in which they occur must be considered with identifying the actor’s process and relationships of power in response to any intervention. This requires centering on the mechanism of restraints and enablement, which shapes the actions and goals of differently located individuals. The spotlight

on social actors and their social organization also yielded research questions that sought to find out reasons for these actors' complicity in producing outcomes that perpetuated, rather than challenged the status quo. Such research questions turn over the focus on social actors as agents of change, which underpin current decentralization assumptions to a focus on mechanisms of restraints and enablement, which shaped their actions and intentions within the community.

#### 7.4. Conclusion

The study has attempted to highlight the evolution and emergence of decentralization and its impact on NRM, sustainability and gender relation implicitly or explicitly based on two main criteria: efficiency and equity. While the previous model of NRM in operation was one where all decisions, power and responsibilities were concentrated within the hands of the central government. The new governance system launched through the objective of devolution of NRM decision-making processes and responsibilities to resource end-users was, therefore, in principle intended to improve the previous model. However, in practice, the outcomes of the devolution (or democratic decentralization) reforms, which are being implemented in Ghana under the rubric of NRM are intricate, inconsistent and were not systematically positive.

The evaluation of decentralized NRM in Ghana shows very few success stories, for example, from the *Bole* case compared to a bigger picture of less successful experiences, for example, in the *Talensi* case. In *Talensi*, the essential legal framework or such legal supporting mechanism were “excellently” blocked from being used by some powerful local elites whose interest were not well represented in the Ghanaian parliament and other public fora during the conceptualization and formulation of the CLS in the early 2000s. Even where legal support was in place, implementation of the reforms has been hindered by many obstacles, including elite capture and rent-seeking behaviour by state officials in charge of NRM. Therefore, the newly introduced decentralization failed to improve NRM.

Instead, decentralization merely modified the status quo by altering the distribution of power and responsibility amongst the main NRM stakeholders. If the empirical materials produced from the two distinct administrative districts provide a reasonable representative subsample of Ghana in NRM. Then, the top-down driven donor funded decentralization reforms have been only successful in challenging the previous centralized governance system. Contrary to the donor's intent of empowering primary resource end-users and local governments and weakening the centralized power and authority to a large extent; opened an "opportunity window" for a set of new or existing political actors (mainly at the local level, such as customary chiefs and their local organizations). They seize that opportunity to reshape the institutional landscape in ways that allow them to pursue their agendas or reinforce their own position often through institutional shopping. Sadly, the ultimate losers of these NRM decentralization reforms have been the voiceless small-scale farmers, marginalized and vulnerable women.

In short, what happened as the power of NRM was slowly shifted away from the central authority has been "the politicization of the devolution process or conversely the communalization of natural resource politics" (Bene et al., 2009). The new institutional arrangements bear little resemblance to real democratic decentralization that was dreamed of by the World Bank and other international donors. But are rather, the new instruments of local governments and local elites' control over natural resources and often the context for local class struggles and exercise of power rather than service of the community. Following the lessons learned from the empirical case studies, I will now turn my attention to present a detailed description of the mechanisms at play and the theoretical implications to constitute one part, and the practical recommendation as a separate part.

On the first part, the lessons drawn from the empirical materials about the decentralized management of natural resources in Ghana is that state induced privatization of common

property lands in case of rural community lands has redefined the property right regimes and in turn created social tensions as well as replaced the customary institutional arrangements to govern land and land related resources leading to failure of land management and degradation of common-pool resources. Against this background, I argue that intra- and inter-institutional linkages of NRM model must be graduated into polycentric or distributed governance mechanism if it is to be replicated in different socio-ecological settings to manage multi-use common resources. Thus, policy designers of institutional arrangements for natural resource management programmes must develop an in-depth understanding of the strengths and weakness of alternative property rights regimes to promote the process of decentralization. Pure state, pure community-based or pure privately owned structures have more negative outcomes on one or the other counts. Distributed or polycentric governance seems to be appropriate for common-pool resource management. Promoting and advancing exploration of distributed governance as an acceptable model for institutional innovation for local situation may be reflected in policy and administration. However, this involves a major shift in the role of policy makers and administrators and implies that the stakeholders should be involved in designing policies, programmes and implementation. Further theoretical and empirical research efforts can shed more light on the process of distributed governance in managing natural resources.

Concerning the second part, which deals with concrete propositions on the lessons learned from the two cases studies (i.e., in which context does decentralization leads to the increase in power of elites and under which conditions elites' power can be challenged successfully in resource governance). The practical recommendation is by ensuring or enhancing the participation of local resource end-users and other legitimate stakeholders in decision-making process. The inclusion of local resource end-users is expected to increase their sense of responsibility and ownership, therefore facilitating the self-enforcement of the

management system and in principle the sustainability and equity of the system. Nonetheless, participation is not the panacea and greater participation will not ensure the success of NRM without being complemented by some forms of downward accountability. Since the involvement of every single local resource end-user is not possible because it is likely to increase *ad infinitum* the transaction costs of the political process. Participation of legitimate stakeholders in the decision-making process can only be achieved through representative governance. This is what many scholars have proposed in many NRM projects through the creation of CBOs. Yet, until these representatives are downwardly accountable to the rest of the stakeholders, any devolution of power to these representatives is likely to become a source of misuse and abuse.

Also, since majority of the small-scale farmers, poor households, marginalized and vulnerable women are still under the strong influence of customary authorities. The intent of decentralization reforms could have been aimed at empowering them to be more accountable and transparent. The empirical materials show that customary authorities have been one of the local elites who have managed to strengthen their local power. This situation means that a large part of the success (or failure) of the decentralization reforms depends on these customary authorities' *bon-vouloir* (i.e., good will). Thus, any attempt to pass-by them would almost systematically encounter a direct or indirect opposition or resistance. The revival of the customary chieftaincies through the decentralization of NRM process is not, however, necessarily negative or bad. In effect, they can be one of the main players ensuring the success of NRM projects if the central government build their capacity to raise their integrity and show concrete commitment toward downward accountability.

Furthermore, while decentralization in principle signifies increased procedural homogenization and transparency at the local level, its implementation has led instead to greater fragmentation of the political arenas and greater complexity (*de jure* and *de facto*) in

practice. Thus, NRM has also increased the quantity of modern, traditional, political, and institutional local actors who are now competing, conflicting, or colluding to capture part of the power and revenues that the control over NRM can generate. The fragmentation and complexification of the local political game has led to the buildup of numerous layers of power with no single legitimacy and no longer any central institution capable of imposing its law and norms. This greatly reduces the clarity of the political processes and its chance to achieve its democratic promises. Therefore, the central government must show clear mandate and separation of power amongst the various Ministries, Commissions, Agencies and Departments in NRM. This will probably reduce the institutional conflicts associated with the interpretation of laws.

#### 7.5. Way forward: Future Policy and Research Issues

In Ghana, a significant thrust has been given during the nineties to decentralized management of natural resources. Decentralization of the management of natural resources has been broadly implemented under three categories, including, state-initiated partnership, state-initiated efforts at full devolution of governance, and the community and NGO-initiated efforts, with or without state recognition. Several programmes have been supported (both technical and funds) by international donors under the above approaches. The objectives, design and implementation of these programmes vary significantly. This dissertation only concentrated on the state-initiated efforts at full devolution of governance. State-initiated programmes were largely centered on the common-pool resources, and the goal of decentralization often has been to increase local citizen participation. To form broad based conclusions on the effectiveness of the different types of decentralization, it is necessary to pursue more detailed comparative policy research on different models of decentralization under different ecological and social

settings. Such research efforts may provide us with well-informed input about the institutional performance to distinguish among robust, fragile, and failed institutional arrangements.

Also, detailed research attempts are required to understand as to what leads to greater participation and livelihood improvements for marginalized people living in underprivileged areas. Under this situation, geographers could partner and collaborate with social anthropologists to understand the broader dimensions of needs, capabilities, and ways of life of marginalized people living in underprivileged areas.

Furthermore, there appear to be a large variation in policy or programme outcomes across the regions in Ghana that have decentralized NRM under different institutional designs. Many studies are location-specific and very often it is difficult to examine why some local organizations perform better than others under various decentralized structures. It is therefore important to examine the crucial factors which explain such variation. Such a research attempt will also be crucial for disadvantageous localities.

In addition, I noticed that decentralization has significantly moved property rights to the local governments but not to the local resource end-users and holders of customary rights. Customary authorities may gain rights to most of the community natural resources under current devolution process. In my candid view, the effects of changes in property rights need to be investigated keeping in mind the configuration of previously existing rights over natural resources.

Finally, decentralization of natural resources is intricate because it increases level of conflicts among a range of stakeholders and can create disproportionate spatial and temporal externalities. Issues regarding the role of customary authorities, user groups, stakeholder committees, NGOs, state and national governments, private organizations and international donors, and the relationship among multiple authorities with overlapping working zones are highly complex. Given such a complexity, researchers and policy makers would require

suitable analytical frameworks to evaluate the effectiveness of decentralization of natural resource management. It is within this context that some of the emerging models or frameworks advocating pluralistic and polycentric or distributed approaches to management of natural resources have shown considerable potential from a policy angle.

However, it is important to examine the layers or components of the institutional framework that is essential to put into operation the concept of distributed or polycentric governance particularly where many institutions are loosely linked and intensely compete for the same space. Can the state-initiated decentralized programmes graduate into polycentric governance? If so, what are the alterations needed and additional conditions to be followed? Research is needed on these newer frameworks before they can be validated for policy applications.

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## Appendix I

### Declaration of Consent

On the basis of Article 30 of the RSL Phil.-nat. 18

Name/First Name: James Natia Adam

Matriculation Number: 18-126-474

Study Program: Doctoral study in Geography

Bachelor

Master

Dissertation

X

Title of the thesis: The Politics of Decentralization in Ghana: Impacts on Natural Resource Management, Sustainability and Gender Relations

Supervisors: Prof. Dr. Jean-David Gerber & Prof. Tobias Haller

I declare herewith that this thesis is my own work and that I have not used any sources other than those stated. I have indicated the adoption of quotations as well as thoughts taken from other authors as such in the thesis. I am aware that the Senate pursuant to Article 29. RSL Phil.-nat. 05 is authorized to revoke the title awarded on the basis of this thesis.

For the purposes of evaluation and verification of compliance with the declaration of originality and the regulations governing plagiarism, I hereby grant the University of Bern the right to process my personal data and to perform the acts of use this requires, in particular, to reproduce the written thesis and to store it permanently in a database, and to use said database, or to make said database available, to enable comparison with future theses submitted by others.

Bern, January 26, 2022.

Place/Date



Signature

## Appendix II

### About the Author

James Natia Adam was born in Tamale in the Northern Region of Ghana. He attended Saint Anne's Junior High School in Damongo in the Savannah region of Ghana for the Basic Education Certificate Examination and Business Secondary School in Tamale in the Northern region of Ghana for the Senior Secondary School Certificate Examination. James graduated from the University for Development Studies, Tamale Ghana with Bachelor of Arts in Integrated Development Studies in 2008. He also holds MPhil degrees in Agricultural Extension from the University of Ghana, Ghana in 2012; and in Peace and Development Studies from the University of Cape Coast, Ghana in 2016. In September 2018, James started his PhD studies at the University of Bern in Switzerland, where his research focused on natural resource management, sustainability and gender relations.

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## Appendix III

### Summary of data generated from FGDs on NRM

Category	Bole	Talensi
Youth	<ul style="list-style-type: none"> <li>-Expected to enact appropriate behavior including showing respect towards community elders and parents</li> <li>-Most uphold community elders to lead in local resource management and ensure equity in resource distribution</li> </ul>	<ul style="list-style-type: none"> <li>-Expected to abide by societal expectation of appropriate behavior and provide labour in community projects</li> <li>-Think that indigenous should have incessant access to above- and underground resources</li> <li>-Want benefits to be evenly distributed among lineage and clan member</li> <li>-Expect cost to be disproportionately shared between settlers and indigenes</li> <li>-Are expected to migrate to earn wealth, marry and procreate early and send remittances for family members left behind</li> </ul>
Elders	<ul style="list-style-type: none"> <li>-Their decisions are not to be challenged</li> <li>-Govern informal ASM</li> <li>-Formed land management and gold committees to run community affairs</li> <li>-Want resource users to account to them</li> <li>-Their resources are linked to traditional authority, which grants them opportunity to have representation in the District Assembly and Regional Lands Commission</li> </ul>	<ul style="list-style-type: none"> <li>-Misunderstanding and conflicts over resource management</li> <li>-Have social obligations to effectively address community resource use problems as was performed by their ancestors and lesser gods</li> </ul>
Men	<ul style="list-style-type: none"> <li>-Customary norms privilege them to have influence and authority to govern people and local resources</li> <li>-Grant farm land to settlers</li> </ul>	<ul style="list-style-type: none"> <li>-Protect community resource from enclosure and dispossession</li> </ul>
Women	<ul style="list-style-type: none"> <li>-Poverty was a challenge to participation in local NRM</li> <li>-Married women must be above reproach in term of sexual behavior</li> <li>-Unemployed young girls are expected to marry early, migrate to do “kayayee”</li> <li>-Raised their voice to the MP and powerful actors for community mining scheme, which was launched in 2020 prior to the general presidential and parliamentary elections</li> </ul>	<ul style="list-style-type: none"> <li>-Kinship networks, wealth and education facilitate their access to resource</li> <li>-Access power through negotiation</li> <li>-Undertake a passive role in NRM and community affairs</li> <li>-Help daughters to prepare for early marriage</li> <li>-Do little collective work to address societal challenges e.g., Female genital mutilation</li> </ul>
Wealth	<ul style="list-style-type: none"> <li>-Wealthy men, women, boys, and girls must give donations to be accorded privileged position in the community</li> <li>-Wealthy people who make hefty financial contributions occupy front seats/pews in community gathering and place of worship</li> </ul>	<ul style="list-style-type: none"> <li>-Wealthy people are expected to help the marginalized and vulnerable people</li> </ul>

Source: Field survey, 2019–2021.