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IMPLICATIONS ON WOMEN IN SUB-SAHARAN AFRICA**

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## EXECUTIVE SUMMARY

This thirty month project undertaken as part of a larger project including Cameroon and Uganda was designed to explore the accountability mechanisms in place in Ghanaian communities regarding the transfer of land from citizens to actors interested in large scale land acquisitions. These transactions have increased greatly since the beginning of the twenty first century due to the triple forces of the food crisis, global financial crisis and increasing interest in arresting climate change. In the global land rush, African lands, which are seen as largely dormant have been the most attractive and Ghana is no exception. Ghana is an interesting place to explore these questions because of the fact that the majority of its land (80%) is held in the hands of family heads as well as chiefs (skin and stool heads), both of whom are supposed to hold the land in trust for the members of the group they head and to disburse it with the interest of the family in mind. While the interest of the family technically refers to both men and women, in reality, women's access to land is more limited than that of men (Agbosu et al 2007) As land has become commoditised, scholars such as Yaro (2013) note that the informal norms and rules underpinning land transactions are unravelling at a fast pace and that a capitalistic as opposed to communitarian sensibilities currently undergird land transactions. In such an environment, women's access to land becomes even more tenuous. This study therefore seeks to explore how land transactions are taking place at the local level, the repercussions for communities especially women and the responses of women in particular and communities at large to these changed circumstances.

To explore these questions, we worked in four communities in the Greater Accra and Eastern Regions that had sold lands to two agricultural companies. We find as has already been documented elsewhere, the accountability mechanisms currently underpinning land transactions in Ghana are poor to say the least. While companies interested in buying land negotiate with family heads/chiefs, these leaders do not always ensure that family members are apprised of the negotiations under way. In some situations, the leaders acted singlehandedly. In others, they involved the council of elders, an all male dominated institution. In none were women active participants in the decision making process. The only exception was when the company initiating the land transaction insisted that signatories to the land transfer deed included both men and women. The extent to which such signatures signified free, prior and informed consent on the part of the women is debatable.

Poor procedural justice resulted in poor distributive justice as evident in inadequate valuations of the land, inadequate compensation for the peasants who had become employees and a whole host of problems caused by the activities of the plantations such as dealing with the health implications of stagnant water on the banana plantations; the poor quality of the water provided as part of corporate social responsibility; the loss of access to traditional remedies for treating ailments and lack of individual compensation for lands lost. The complaints were far more than the appreciation for access to formal sector employment and the enhanced trade in the informal sector that this brought.

Although in other parts of the country, there are various attempts to improve the accountability mechanisms underpinning large scale land transactions spearheaded by civil society organisations, both local and international, in the four communities we studied, these active more conventional forms of agency were absent. Instead, much like the non-conventional forms of agency described by feminist scholars such as Ekine (2008) and Mahmoud (2005), the community members engaged in strategic inaction. Having considered the costs of standing up to the authority figures and the likely benefits in

both the long and short term, community members, particularly women, choose strategic inaction (Green 1999) instead. The decision, not to act, one must note is neither passive nor defeatist. As Mahmoud (2005) advocates, it needs to be understood in the context in which it occurs. Not acting is as powerful, even if not effective in the conventional sense of the word, as acting.

## 1. INTRODUCTION

While it is true that Ghana has not experienced a war and has a reputation for running violence-free elections, the perception of the country as a state free from violence masks the fact that the country does grapple with ongoing conflict, particularly over land issues. Conflict over land has a long history in the country. Ghana operates a dual system of land administration, one that Lavigne Deville (2010) describes as a system of legal pluralism. The acquisition and disposal of various land rights are managed by a statutory and customary land tenure system. While the statutory system operates under a set of written rules and statutes, the customary system is operated by the unwritten rules of custom and tradition. Both systems are recognized and guaranteed by the 1992 Constitution. Existing research on land governance in Ghana shows differences in practices. As land has become commoditized, the traditional rules and regulations governing land acquisition have sometimes been violated producing conflicts of different kinds.

Globally, the processes of land commoditization has been intensified over the last fifteen years as the global financial and food crises as well as concerns about climate change came together to produce an interest in land as real estate, as well as for food and bio-fuel production. Large scale land acquisitions, the process by which foreign investors acquire or lease large tracts of land in the global south for the production of exportable biofuels and food, has become a major concern for activists and academics alike in the last decade. Also dubbed green colonisation or new land colonisation (Matondi et al 2011: 1), it reflects one in a long chain of events that Southern countries, not least Africa has had to endure in a world of unequal powers. For Africans in particular, this process is simply a reinvention of the scramble for Africa of the 1800s except that the major scramblers include a new crop of Western characters such as Norwegians (Boamah 2011) and Southern partners like the Chinese (Hofman and Ho 2012) and South Africans (Hall 2012) whose justifications for control are perhaps less tinged with the civilising mission but nonetheless neoliberal in ideology.

With land grabbing, Africa has become a key player in globalisation processes. In this new search for land to conquer and put to technological use, Africa is perceived as the continent with the largest amounts of uninhabited and perhaps more importantly underutilised land. Rukuni et al (2006:2) point out that 'average crop yields in Africa are the same level as preindustrial Europe'. In addition, Deininger (2011) has shown using regression analysis that African countries with weaker governance over land rights had higher demands for land deals. Thus the large tracts of underutilised land coupled with the weak governance structures have made Africa the most likely site for this process of large scale land grabbing. It is not surprising then that a full 70% of the estimated 45 million hectares of land sourced in 2009 was sourced in Africa (Matondi et al 2011: 3). To appreciate the magnitude increase in African lands, Deininger (2011: 218) points out that this amounted to more than twenty years of previous land expansion.

The existing evidence in Ghana shows that between 2004 and 2008, three projects involving more than 1000 hectares of land was approved, valued at US \$30 million. One of these covered 400, 000 hectares while the other 2 covered 52, 000. (Cotula et al 2009: 42). Since then, large scale land grabs for the development of biofuel plantations have been established in almost all 10 regions of the country (Boamah 2011:159). These acquisitions have been for both agricultural purposes such as a 1,363 acre organic mango plantation (Yaro and Tsikata, 2013) a 1,200 hectare rice plantation (Tsikata and Yaro,

2011) and a combination of agricultural and biofuel purposes including a 152,500 hectare jatropha and sugarcane plantation, (Schoneveld, German and Nutakor, 2011) and a much smaller 10,600 hectare maize, jatropha and vegetable plantation (Tsikata and Yaro, 2011).

Foreign interest in Ghanaian lands has produced a new set of conflict and tensions over land. The custodians of the majority of land in Ghana operate under a different logic than the foreign investors who come seeking to purchase lands from them. While the custodians of the land treat verbal contracts in as valid a manner as written contracts, foreign investors have little regard for verbal contracts. Yet, in a number of cases around the country, the land transactions that have taken place have only comprised verbal agreements about profit sharing arrangements (Schoneveld et al 2011, Tsikata and Yaro 2011). Even when there are written contracts, the custodian of the land, be it a chief or earthly priest might not be privy to the exact content of the contract because of their inability to read in the language of the contract. The tensions that such a situation brings are evident in the pockets of violence that have erupted across the country as well as the calls for renegotiation of some of these contracts in other parts (Wisborg 2012).

A second area of tension and conflict is the dispossession that such large scale land transactions bring. Agriculture is the backbone of the economy of Ghana, accounting for about 34 percent of GDP and employing 55 percent of the economically active population. In Ghana, 79 percent of men and 70 percent of women in rural areas rely on agriculture as their main employment activity (Ghana Statistical Survey 2008). Smallholder farmers undertake a significant proportion of food production for local consumption, the majority of whom are women who operate on parcels of land acquired through various customary arrangements.

The negative effects of dispossession are worsened for women because they are also marginalized in the sharing of the compensations that the investors make. In one community, when the government paid compensation to the chief for the acquisition of lands, it was shared among the five clans who then distributed it among the male clan members ignoring the women (Tsikata and Yaro 2011). The discrimination against women in relation to land has its roots in the customary laws and practices concerning the right of use, access to and the succession of land (Kotey 1995). Apusigah (2009) clearly illustrates this when she argues that in northern Ghana, it is the men who hold land titles while the women only have use rights by gathering and using the natural resource on the land.

The fact that Ghana's land tenure system is dominated by a customary land tenure system which is controlled by a set of unwritten rules and regulations that is increasingly having to come into contact with foreign interests who operate using formal rules and regulations opens up a whole host of questions. Key among these is the repercussions of these tensions and more importantly for our interest as feminist scholars/activists, an investigation of the modalities that are put in place to mitigate the negative impact of large scale land acquisitions on Ghanaians in general and Ghanaian women in particular.

In this study, we seek to investigate how and under what conditions women can be empowered to effectively participate in the processes of LSLA to ensure better accountability and legitimacy in land governance in sub-Saharan Africa. The project has as its specific objectives:

1. To explore the formal and informal rules and mechanisms that the modern state deploys in land governance issues
2. To understand the formal and informal rules and mechanisms with respect to land governance at the traditional state level
3. To investigate the extent to which the practices of the traditional and modern state undermine women and men's access to procedural and distributive justice
4. To document the successes or otherwise of civil society and non-governmental organisations' efforts at either the state or community level to enhance participatory principles in land governance transactions in Ghana.
5. To advocate for principles that govern land transactions which take into account issues of procedural and distributive justice at both national and community levels.

In the rest of this report, we proceed with a discussion of the larger body of work on our subject of interest, as well as a discussion of our research methods. We then present our findings in four main sections: a first section that provides an understanding of the Ghanaian context in terms of the formal/informal rules/mechanisms underpinning land transactions; a second section that describes the two firms whose large scale land acquisitions serve as the basis for our investigations, a third section that explores the ways in which the land transactions that have taken place undermine citizens' access to procedural and distributive justice and a final section that explores the ways in which citizens as well as civil society organisations have responded to these injustices.

## **2. THE LITERATURE ON LARGE SCALE LAND ACQUISITIONS**

In the last decade, concerns about climate change coupled with the global financial and food crises have come together to produce large-scale land acquisitions (Cotula et al. 2009, Daniel and Mittal 2009, Zoomers 2010). This process by which foreign investors acquire or lease large tracts of land in the global south for the production of exportable biofuels and food, is also dubbed as green colonisation or new land colonisation (Matondi et al. 2011: 1). With large-scale land acquisitions, Africa has become a key player in globalisation processes. In this new search for land to conquer and put to technological use, Africa is perceived as the continent with the largest amounts of uninhabited and perhaps more importantly underutilised land. Rukuni et al. (2006:2) point out that 'average crop yields in Africa are the same level as preindustrial Europe'. In addition, Deininger (2011) has shown using regression analysis that African countries with weaker governance over land rights had higher demands for land deals. Thus the large tracts of underutilised land coupled with the weak governance structures have made Africa the most likely site for this process of large scale land grabbing. It is not surprising then that a full 70% of the estimated 45 million hectares of land sourced in 2009 was sourced in Africa (Matondi et al. 2011: 3). To appreciate the magnitude increase in African lands, Deininger (2011: 218) points out that this amounted to more than twenty years of previous land expansion. The existing evidence in Ghana shows that between 2004 and 2008, three projects involving more than 1000 hectares of land was approved, valued at US \$30 million. One of these covered 400, 000 hectares while the other 2 covered 52, 000. (Cotula et al. 2009: 42). Since then, large scale land grabs for the development of biofuel plantations have been established in almost all 10 regions of the country (Boamah 2011:159). These acquisitions have been for both agricultural purposes such as a 1,363 acre organic mango plantation (Yaro and Tsikata 2013) a 1,200 hectare rice plantation (Tsikata and Yaro 2011) and a combination of agricultural and biofuel purposes including a 152,500 hectare jatropha and sugarcane

plantation, (Schoneveld et al. 2011) and a much smaller 10,600 hectare maize, jatropha and vegetable plantation (Tsikata and Yaro 2011).

The process of large-scale land acquisitions has become a major topic of research among scholars who seek to examine the manner and context in which the land is obtained, the effects of such deals on the surrounding area, and the responses of local populations. To begin with, scholars point out that it is important to note that, while the term large-scale land acquisitions encompasses numerous land deals, these acquisitions are not homogeneous and can present a wide degree of variation from one to another, both in terms of the identity of the investors and the use of the leased land. Investors come from both the public and private sectors, and their aims differ significantly. Government projects include those initiated by capital-rich but land-poor nations (such as the Gulf countries) in search of secure food sources, those negotiated in order to gain access to a constant supply of non-food resources, and those motivated by recent policy shifts towards renewable fuels and the need for biofuel cultivations (Chasukwa 2013, Hofman 2013, Cotula and Vermeulen 2009, Von Braun and Meinzer-Dick 2009).

In addition to these various types of government-sponsored land acquisitions, many land deals actually originate in the private sector and are sponsored by financial institutions, large agribusinesses and corporate investors (Chasukwa 2013, Hofman 2013, Cotula and Vermeulen 2009). Private sector deals are often conducted internationally. These investors come from a wide range of countries in both the Northern and Southern Hemispheres and include Norwegians (Boamah 2011) as well as the Chinese (Hofman and Ho 2012) and South Africans (Hall 2012). However, domestic actors and local elites also play key roles in the process (Cramb 2013, Makombe 2013, Wilson 2013). In the wake of these varied acquisitions, a heated academic debate has ensued with regards to the benefits or otherwise of these acquisitions for local populations.

## **2.1 The Optimistic Perspective on Large Scale Land Acquisitions**

The optimists comprise academics, state officials and foreign investors. Academics such as Von Braun and Meinzen-Dick (2009) note that large scale agricultural projects could potentially generate the following; jobs both on and off farms, infrastructure particularly health posts and schools, increased food production as well as access to improved farming technologies and practices. When such acquisitions provide farmers dispossessed of their land with employment opportunities either as outgrowers or contract farmers, the benefits of such an acquisition are seen to accrue to both parties (Woodhouse 2012). Whatever ills such acquisitions can breed, such as shady deals, unkept promises and dispossession of small scale farmers, are expected to be resolved through regulation (Deininger 2011).

Boamah (2011) who conducts a study of BioFuel Africa Jatropha biodiesel Project in the Yendi District of Ghana presents empirical evidence in support of the optimistic camp of scholars. Among other things, he notes that the 25 farmers whose lands were affected by the project were given the choice between intercropping on the project or farming elsewhere and that 20 of the 25 farmers affected chose to be relocated. These farmers had 0.8 hectares of land cleared for them on land that he describes as more fertile. In addition, the community members had new economic opportunities as farmhands and the diversified income earning opportunities, he argued, improved household food security. He concludes, 'the demographic and ecological conditions in the Yendi district coupled with the goodwill

of Bio Fuel Africa Ltd, improved household food security in the three villages whose livelihoods depended on the land areas acquired' (Boamah 2011: 175).

State officials across the continent tend to share this optimism. Mozambique's Minister of Energy, Salvador Namburete, for example stated that '36 million hectares of arable land could be used for biofuels without threatening food production while another 41 million hectares of marginal land would be suitable for raising jatropha'; Zambia's Minister of Agriculture, Brian Chituwo boasted 'we have well over 30 million hectares of land that is begging to be utilised', while his counterpart in Ethiopia, Abeda Deressa, suggested that pastoralists displaced by land grabbing 'can just go somewhere else.' (Palmer 2010: 5 as cited in Matondi et al. 2011: 5).

Similarly, the large multinational companies seeking to invest on the continent tout the overall benefits of their projects. One such company, Africa Biofuel and Emission Reduction Company which operates in Tanzania and Kenya, states boldly on its website that the project will make it possible for East African countries to not only meet, but actually exceed their Millennium Development Goal targets. Those in this camp who recognise the potential for problems such as shady deals, large scale dispossession of peasants and unkept promises on the part of the foreign investors believe that all of these can be resolved through regulation (Deininger 2011).

## **2.2 The Pessimistic Perspective on Large Scale Land Acquisitions**

In order for these large-scale land acquisitions to adequately bring together the needs of investors with those of local populations as the optimists argue, the international community has established a need for the drafting of legal contracts that are preceded by a consultative process (Nolte and Vogel-Kleschin 2013, Von Braun 2009). Before the land transactions can be formalized, consultation must have culminated in the granting, by the local populations, of FPIC -free, prior and informed consent (Nolte and Vogel-Kleschin 2013, Vermeulen and Cotula 2010, Von Braun 2009).

Nevertheless, this important element, that helps to safeguard the land rights of customary users and informs investors about the needs and desires of local populations, is often summarily bypassed. As Vermeulen and Cotula observed in their 2010 study of African land investments, the national regulations of host countries regarding consultation and consent often fall short of the international standard of FPIC. Furthermore, even where national legislation and contractual agreements require thorough consultation and extensive research into the potential impacts of land acquisition, under the form of a Social and Environmental Impact Assessment, such requirements are in practice often disregarded, as exemplified by a case study conducted in Mali (Nolte and Vogel-Kleschin 2013).

Yet another reason why consultation is poor in these land transactions is the various models of land acquisition that exist in the developing world. More vertically integrated agrarian models, such as large agribusiness estates, provide less consultation than horizontal structures that encourage local participation, such as out-grower schemes (Boche-Anseeuw 2013).

Another major aggravating factor in the acquisition of land without consultation or consent has been insecure land tenure. The lack of a solid framework of land and contractual legislation has rendered local populations vulnerable to an unstable environment marred by power imbalances in which investors often have the upper hand (Nonfodji 2013, Wilson 2013, Schoneveld et al. 2011). In situations where the

investors' aims coincide with those of local elites, ambiguities in land ownership legislation can lead government officials to provide legal interpretations unfavourable to customary users (Cramb 2013). This uncertainty can, in cases such as Ghana and other former colonies, be due to the difficulty in transitioning between two different legal systems - customary and English common law - and integrating their relative conceptions of land ownership (Agbosu 2000).

In general, the lack of formal legal ownership on the part of the land's customary users has weakened the control local populations have over the land (Morgan 2013, Nonfodji 2013, Vath 2013, Schoneveld et al. 2011). In fact, to investors, the lack of legal ownership indicates vacant lands, optimal for large-scale acquisition (Morgan 2013).

African scholars such as Beatrice Obbo (2012) point to the ways in which the lack of mechanisms for protecting land rights in much of Sub-Saharan Africa creates a situation in which communities are unable to protect their local interests, livelihoods and welfare. As she puts it, Insecure land rights, inaccessible registration procedures, vaguely defined productive use requirements, legislative gaps and other factors all too often undermine the position of local people when they are up against multinational companies working hand in glove with the political elite (Obbo 2012: 2).

Deininger (2011) has demonstrated clearly that many large-scale land acquisitions occur in countries with weak land governance. In such contexts, the actors responsible for land transactions, be they state authorities, stool/skin chiefs or TNCs pay little attention to issues of accountability (as both a right and power) and legitimacy (IDRC 2013). For the most part therefore, these acquisitions have therefore led to the dispossession of the surrounding populations, who relied on the land for cultural and economic purposes. Rarely are land acquisitions a true reflection of the value of the land purchased. For example, in a deal involving Biofuel Limited and the Kpachaa community in the Northern Region of Ghana, the Tijo-Naa who is the major divisional chief of the area, leased 10, 600 hectares of land (approximately 25, 000 acres of land) over a 50 year period for only Gh 2 cedis per hectare (Tsikata and Yaro 2011). To put this in perspective, the total sum of 21, 200 Ghana cedis is less than what it can cost to buy half an acres of land in parts of Accra. To make matters worse, these paltry sums of money do not necessarily go to the families whose lands are being leased. Infact, in some cases, such families are not even privy to the fact that negotiations over their lands are taking place, let al.one have a say in how much monies are collected in exchange for the land (Schoneveld et al. 2011).

In a study conducted in the Andean region of Latin America, Bebbington concluded that the dispossession of peasants from their lands not only had an economic impact because they were paid so little money, but also impeded "the maintenance of cultural and social practices that accompany rural residence" (1999: 2039). Likewise, in Malaysia, land investors contributed to the transformation of land from a socio-culturally relevant element of local societies into a mere economic commodity (Cramb 2013).

The acquisition of lands and the ensuing dispossession take on various forms. While in some places, such as Brazil, it resulted in a significant rural exodus, elsewhere it altered the economic patterns of communities (Lerrer and Wilkinson 2013, Schoneveld et al. 2011, Tsikata and Yaro 2011). In Ghana, for example, the land deals affected local livelihoods by forcing a premature return to fallow farms due to land shortages, thus reducing agricultural yields, by taking over lands previously used for household

consumption crops, and by occupying the commons where important sources of income, such as fruit trees, were to be found (Vath 2013, Schoneveld et al. 2011, Tsikata and Yaro 2011, Von Braun and Meinzer-Dick 2009).

In addition, dispossessed farmers are not adequately compensated for the resulting loss of income and land, as proposed benefits such as increased wage labour and improved irrigation are often not delivered or prove to be insufficient (Makombe 2013). For example, in the case of a biofuel feedstock plantation in northeastern Ghana which is situated on 69% of the land in one district, Schoneveld et al. (2011) show through a detailed cost and benefit analysis that yam cultivation alone generates approximately US \$99 per hectare per year which is 110% more than the per hectare value of employment.

Finally, dispossession can increase gender inequalities, due to the fact that the lands perceived as vacant (and therefore available for acquisition) are often those controlled by women and used for subsistence farming, firewood collection and other economic activities (Alden Wily 2011, Rossi and Lambrou 2008). Behrman et al. note that women are much 'more likely to be affected directly by the loss of firewood, water and medicinal plants'(2012: 52) when common property resources are privatised. In addition, women are less likely to be compensated for land lost even when their estate is considered worthy of recompense. In a study in Mafi Dove, in the southern part of Ghana for example, when the government paid compensation for state acquired lands, the money was shared only among the male members of the five clans in the community (Tsikata and Yaro 2011). Finally, women are less likely to be recruited as farmhands when investors take over their community lands (Schoneveld et al. 2011).

As evidenced by Behrman's research on the differentiated consequences of land deals according to gender, large-scale land acquisitions affect women differently throughout the stages of the deals, from consultation to implementation and compensation (Behrman et. al.2012). In the initial decision-making stages, during which consultation is conducted, negotiations are often restricted to traditional rulers, farmer's associations and representatives of the communities (Nolte and Voget-Kleschin 2013, Behrman et al. 2012). However, these aforementioned categories are entirely male-dominated and unaware of the particular issues affecting women and their own land tenure (Behrman et al.2012, Vermeulen and Cotula 2010). In Indonesia, for example, rural women are not empowered to enter the avenue of formal political expression and did not participate in town meetings regarding the impending acquisition of their lands, as they believed their husbands to fully represent the viewpoint of their entire family (Morgan 2013).

Beyond consultation, women are disproportionately affected by LSLA due to their lands often being considered marginal and compensatory payments being allocated to male heads of household (Behrman et al. 2012, Schoneveld et al. 2011). The transition of these marginal lands from the control of women to men, in addition to the male control over compensation has serious implications for the livelihood of families. This is because studies have shown that assets controlled by women are more likely to be used towards nutrition, education and health (Behrman et al. 2012). In addition, crops grown by women are also destined more often towards household consumption rather than market sales (Doss 2002).

Another issue that affects women more than men is the lack of alternative livelihood opportunities, especially in relation to wage labour on the newly established plantations or agribusinesses (Morgan 2013, Behrman et al. 2012, Tsikata and Yaro 2011). Men feel entitled to receive the available wage labour, especially when the jobs require the use of mechanical equipment, while at the same time

women lose control over their lands without gaining any alternative sources of income (Morgan 2013, Tsikata and Yaro 2011).

However, women are not the only marginal group to disproportionately suffer the adverse effects of large-scale land acquisition. In particular, a couple of studies conducted in the Northern, Ashanti and Brong-Ahafo regions of Ghana have cast a light on the plight of dispossessed migrant populations (Schoneveld et al. 2011, Tsikata and Yaro 2011). In fact, both studies showed that in the case of dispossession, migrant populations living in a community were less likely to regain lands lost through large-scale acquisition than the natives of said community, who were often allocated substitute lands by their communities and traditional rulers (Schoneveld et al. 2011, Tsikata and Yaro 2011). Based on these consequences suffered by marginal groups, whether they be women or migrant populations, Nolte and Voget-Kleschin (2013) argue in favour of the extension of consultation to the more vulnerable groups of society.

Due to some of the apparent failings of national legislation and supervision of large-scale land deals, scholars have called for reforms. Among them, in discussing biofuel-related land investments, Cotula et al. (2008) proposed a ban on biofuels cultivated on lands whose ownership is under dispute. Others have highlighted a need for increased monitoring on the part of local government, international agencies and non-governmental organizations (Von Braun 2009, Cotula et al. 2008). In Ghana, one organ of local government that has been said to hold the power to improve the fairness of land transactions are the Customary Land Secretariats (Bugri 2008). These CLS have the authority to act as a check on traditional rulers and local elites to avoid speculation, entrenchment and power abuses (Bugri 2008). The reason these secretariats are needed is that, across much of the country, traditional rulers are vested with extensive control over property rights and their allocation (Schoneveld et al. 2011, Tsikata and Yaro 2011). In many cases, the interests of communities do not align with the traditional rulers and councils with whom negotiating power is entrusted and the latter receive benefits, in terms of monetary payments and lands in exchange for signing away the rights to their people's lands (Vath 2013, Schoneveld et al. 2011, Tsikata and Yaro 2011).

Furthermore, while they may not always be in bad faith, some traditional rulers lack the technical competence to fully understand the contracts they are being encouraged to sign by investors. Such a case presented itself in 2007-2008 in the Northern Region of Ghana, where illiterate chiefs were coerced into signing away lands in favour of a foreign biofuel investment (Nyari 2008). These issues are not only relevant to Ghana, as case studies in various African countries, such as Benin and Malawi, have raised similar problems (Chasukwa 2013, Nonfodji 2013). Traditional rulers, as the main negotiators and points of contact between investors and communities, are instrumental in explaining the project to their subjects. Therefore, as Vath (2013) observed in the Eastern Region of Ghana, chiefs also have the power to convince people to accept a certain project by setting unrealistic expectations.

Unrealistic expectations have been especially widespread in relation to the investor's ability to provide wage labour to communities (Nyari 2008). In fact, while LSLAs promise to employ large portions of local populations, in reality, their plantations often end up providing fewer jobs than those offered on the pre-existing smallholder farms (Li 2011). For example, a case study conducted in Zimbabwe demonstrated that, while labour demands initially rose during the initial stages of production, these jobs were rapidly dispensed of once the plantation was fully operational (Makombe 2013). Therefore, while

governments still view agriculture as a potential source of employment, especially for the youth (Ghana Ministry of Youth and Sports 2013), land deals do not provide them. In fact, pulp plantations in Brazil were actually responsible for a rise in rural unemployment (Lerrer and Wilkinson 2013). Even the jobs that agribusinesses do provide, are often underpaid and lacking in security (Makombe 2013, Vath 2013). In addition, World Bank claims that LSLA fosters “transitions out of agriculture for rural populations” are dismissed by Li, who claims that people dispossessed by land grabbing do not have a definite path into the proletarian economy (Li 2011: 293).

Much of the literature also addresses the insufficient compensations offered by investors. The wages are deemed to be unreliable and attached to jobs with hazardous working conditions, such as the handling of toxic substances without protective gear (Makombe 2013). One strategy used by agribusinesses to artificially lower the wages of local populations has been that of importing labour, both in the case of skilled labour from the investors’ country of origin, and in the case of unskilled labour from underprivileged communities (Cramb 2013). The unequal access to waged employment also serves to further exacerbate rural class differences and is not directed specifically towards those whose lands were acquired (Wilson 2013, Schoneveld et al. 2011, Tsikata and Yaro 2011).

While land acquisitions have not succeeded in compensating land loss with wage labour increases, they have been responsible for a complete transformation of the pre-existing agrarian structure (Boche and Anseeuw 2013, Morgan 2013, Amanor 2009). LSLAs have led to situations where agrarian businesses are controlled by foreign agricultural corporations and financial investors (Boche and Anseeuw 2013). It has also become concentrated in the hands of a few individuals, while the remaining smallholder farms are being increasingly cut off from the mainstream economy (Boche and Anseeuw 2013). In Africa, Amanor (2009) observed that these deals have led to a redistribution of land from smallholders into the hands of the middle class. In essence, the smallholder farms that used to characterize the rural areas of many host countries have been replaced by large scale, industrialized, mono-cropping plantations (Morgan 2013).

These shifts in agricultural methods, from small scale to industrialized mono-cropping have had environmental repercussions on the surrounding area, as well as on the soil quality. Firstly, a significant loss in biodiversity has been reported (Behrman et al. 2012, Schoneveld et al. 2011, Von Braun and Meinzer-Dick 2009). This not only has environmental consequences, but also economic ones, as it can hinder activities performed by women, such as the collection of medical herbs (Behrman et al. 2012). Additionally, some areas have undergone intensive deforestation in order to make way for new plantations or for settlements of dispossessed people (Lerrer and Wilkinson 2013, Von Braun and Meinzer-Dick 2009, Cotula et al. 2008). Once again, in the context of Ghana, this has impeded the collection of shea nuts, firewood and charcoal, for household consumption and for sale (Tsikata and Yaro 2011). These three aforementioned activities are generally performed by women and therefore provide yet another example of gender biased repercussions of LSLA (Behrman et al. 2012, Tsikata and Yaro 2011). Finally, the methods associated with industrialized farming, namely the use of chemical fertilizers, often lead to soil degradation, increased salinity, erosion and waterlogging (Momonova 2013, Morgan 2013, Von Braun and Meinzer-Dick 2009).

Loss of agricultural productivity, together with land scarcity, the switch from the cultivation of food crops to cash crops, and the production of crops for international rather than domestic markets, has led

to an increase in food insecurity (Chasukwa 2013, Nonfodji 2013, Tsikata and Yaro 2011, Von Braun and Meinzer-Dick 2009, Cotula et al. 2008). In Africa, Vermeulen and Cotula (2010) showed that rising population growth and climate change further compound these factors. In Ghana, for example, communities in the Eastern Region neighbouring an oil palm land acquisition witnessed increases in food prices following the deal (Vath 2013). Another case study conducted in Nicaragua demonstrated that the bankruptcy of a major agribusiness that had gained control of large portions of the nation's farmlands resulted in widespread food insecurity among rural workers (Wilson 2013).

These studies speak to the vulnerability of local populations in the face of land acquisitions. Just as these deals have the potential to damage food security in host countries, similar effects have been examined in regards to overall rural poverty. While the governments of host countries, together with some international organizations and investors, laud LSLAs for their contributions in terms of infrastructure and rural development, research into the topic provides a different picture of the relationship between land grabbing and poverty. In fact, various papers depict LSLA as perpetuating and aggravating poverty rather than ameliorating it (Makombe 2013, Welch 2013, Wilson 2013, Li 2011, Schoneveld et al. 2011). In particular, Welch (2013) and Li (2011) both outline the advantages that poverty offers to investors: inexpensive land and labour. In essence, investors are attracted to areas where poverty guarantees cheap prices and benefit from the establishment of economic relations that encourage the exploitation and dependency of rural people (Welch 2013). It is for this reason that Li (2011) highlights the key role of government oversight and accountability in poverty alleviation.

Due to the profound effect of LSLA on local economic structures, which seem to be undergoing a forcible transition from smallholder to large-scale agriculture, an important debate has emerged in the literature regarding the viability or impracticability of retaining a more modernized version of smallholder farms. Proponents of the impracticability theory have thus far argued that small scale farming operations lack the negotiating power to compete with large agribusinesses, who are favoured in contractual agreements and legislative affairs by connections and influence over local elites (Boche-Anseeuw 2013, Von Braun and Meinzer-Dick 2009). Additionally, their small size has led to their marginalization in domestic markets and insufficient funds to enter international trade or eligibility for significant credit opportunities (Boche-Anseeuw 2013). However, studies have shown that investments aimed at helping smallholders have thus far been more successful than those targeting large agribusinesses and that, given the proper technical, financial and infrastructural support, small scale production can become a viable option for rural economies (Cramb 2013, Cotula and Vermeulen 2010, Amanor 2009). This has proved to be especially true in regards to the cultivation of biofuels, whose high crop value has contributed to making small farms economically competitive (Cotula et al. 2008). These last arguments are at the basis of some new rural development strategies, such as the one proposed by Transnational Social Movements who have advocated in the case of Benin for a case-by-case modernization of smallholder agriculture across the country (Nonfodji 2013). Even in contexts where smallholder farms are considered non-viable, different paths such as capitalized family farms and rural proletarianization are available to local peasants (Bebbington 1999).

Just as the effects of land acquisitions on local communities have varied among socio-cultural contexts, the responses people have had to these land deals are also quite different. One major path of recourse is Transnational Social Movements and local organizations that lobby for the rights of rural populations (Lerrer-Wilkinson 2013, Nonfodji 2013, Welch 2013). However, in some cases, such as the one that

Momonova (2013) studied in the Ukraine, social movements opposing LSLA can be at odds with local peasants, whose support or resistance towards such acquisitions is conditioned by their individual gains. In addition to social organizations, the government sometimes presents a possible response to land acquisitions, both in terms of policy options, and in terms of legal recourse against mainly domestic acquisitions (Cramb 2013, Vermeulen and Cotula 2010). Nevertheless, there are communities, whose powerlessness stunts the formation of effectively organized social campaigns or political protests (Makombe 2013). Finally, some communities, realizing that formal avenues of resistance are closed, turn towards informal methods such as the organization of protests (Morgan 2013, Wilson 2013). As opposed to other political methods, the protests benefit noticeably from the presence and participation of women, who serve to keep the protests peaceful and legitimize them (Morgan 2013, Wilson 2013). The effectiveness of these various protest movements, which have taken place all over the world differ considerably. We present three quite different cases, one taken from Africa, another from Latin America and a third from Asia to illustrate the varied levels of success as well as the various mechanisms employed. In the first case, the Agogo community in the Ashanti Region of Ghana, the success of protest can be measured in the modified terms of the large scale land acquisition (Wisborg 2012). In the second, the Las Tunas movement in Nicaragua, farm workers are able to reclaim land they lost generations previously (Wilson 2013). The final case drawn from the Indonesian district of Sambas, highlights a community which was successfully able to resist land acquisitions for the expansion of oil palm production (Morgan 2013).

### **2.3 Responses to Large Scale Land Acquisitions**

Given the largely pessimistic perspectives on large scale land acquisitions, many communities have sought to modify the nature of the acquisition agreements they enter into with multinational companies. In the following section, we discuss three different kinds of outcomes of such strategies as well as the strategies deployed to achieve these outcomes.

#### **2.3.1 Modifying the terms of a large scale land acquisition in Ghana<sup>1</sup>**

This case in Ghana illustrates the pitfalls of transnational land appropriation, particularly in developing and African countries like Ghana, where agricultural land activities largely form the basis of rural livelihoods and where 60-70% of the population are employed in the agricultural sector. The pitfalls include resistance over loss of land and the destruction of important crops key to rural livelihoods and especially those of women (environmental concerns); the inability of the transnational company to resolve land conflicts adequately; and the inability to address labour rights and gender concerns. An additional pitfall is the inability or unwillingness of traditional authorities to take into account and to address fairly the needs of the local communities and individuals (both men and women) who had rights to the land. With these concerns to address, which apparently become evident only after the land deal has taken place, the transnational company may be 'forced to' come down to the 'local level' and engage with individuals and communities themselves, offering them compensation for lost land and improving cooperation with them. While the author refers to such a phenomenon as 'social innovation', it may rather be a phenomenon of necessary late-in-the-day manoeuvring to manage resistance and to secure 'operational peace'.

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<sup>1</sup>Culled from Wisborg, Poul. 2012. Justice and Sustainability: Resistance and Innovation in a Transnational Land Deal in Ghana. Paper presented at the Annual World Bank Conference on Land and Poverty 2012.

All the above pitfalls and actions were noted in a land deal/lease agreement between a Norwegian company and the chiefs of Agogo in the Ashanti region of Ghana. It has been characterized as an example of 'unjust land appropriation', but also where the project was 'sustained and reshaped through resistance, learning and innovation'. Scan Fuel/Scan Farm, the Norwegian company established in 2007 to invest in and manage agricultural and biofuel development, acquired 13,000 hectares of land (32,000 acres) in the Agogo township of Ashanti, which had at the time a population of about 35,000. The land was generally fertile with plantations of diverse crops and food like plantain, banana, teak, fruit orchards, as well as cassava, maize, groundnuts, tomatoes, and others.

With respect to landownership and rights, the landowners regarded themselves as indigenous 'citizens of Agogo', and felt very strongly about their land ownership particularly where they had taken possession of virgin land. Family and individual land, in contrast to stool land (community or chiefs' land), is inherited along matrilineal lines in Ashanti and other Akan-speaking regions of Ghana, and so such land is outside the purview of the *stool*. This reality was not taken into account or was overlooked by the chiefs and the members of the Agogo Traditional Council (ATC) who brokered the land deal with Scan Fuel/Scan Farm in November 2007. While the chiefs consulted with their advisory councils, landowners and other villagers, no special consultation was held with the women, who are also prominent landowners, although often politically discriminated against.

In November 2007, Scan Fuel/Scan Farm and the ATC entered an intentional 'Head of Agreement' that stated the ATC's intention to lease 303,500 hectares (750,000 acres) to Scan Fuel for 'environmentally friendly energy production'. An annual lease payment to increase over time was planned, from US\$2.5 to US\$7.4 per hectare per year so that by 2017, when Scan Farm acquired the complete 303,500 hectares of land it would be paying US\$2.3 million per year. Importantly, it was also agreed that the ATC would make the necessary agreements or arrangements with settlers or occupants already on the land, so that Scan Farm would be able to quietly enjoy the land when the leases took effect. A 50-year lease agreement was concluded in April 2009 for 13,058 hectares, with an option of renewal for two more 25-year periods. Misleadingly the ATC and the Agogo paramount chief were presented as the owners of the land and as having 'the sole authority to make deals regarding Agogo stool land.

Resistance came in different forms and for different reasons. Land right holders challenged the impression given that individual and family lands were part of stool or 'ATC land'. In addition, local tensions and resistance to Scan Farm increased by virtue of the rapid movement by Scan Farm from biofuel/jatropha development to cultivation of food crops in late 2009 to 2010 when it perceived that jatropha production would not become quickly profitable and also to make sure annual incomes would still come in. Despite some agricultural modernisation, job creation, and economic stimulus in Agogo, there was local resistance due to the impact on environmental resources. For example, forest products such as mangoes, mushrooms, snails and most important shea nut, a valuable resource for women, became scarce due to the company's development of the land. This negatively affected their livelihoods. Some immigrant households were also affected in their charcoal production, due to the reduction in tree cover. However, because the immigrants were considered outsiders and not 'citizens', their land tenure was insecure and they were also not able to put up an organized resistance. They did not have much political access to register their protests/grievances; some left as a consequence while others accepted their losses. One wonders whether immigrants' human rights are less important than others, and this was

an issue that spelled injustice, but was inadequately addressed by both the ATC and chiefs as well as Scan Farm. Another major reason for resistance was the lack of consultation with landowners when the shift in production strategy took place and land was appropriated and transformed without the consent of the landowners. Such resistance came in the form of protests and meetings. In spite of the quelling of some protests by chiefs, the protests increased particularly due to the secrecy of the land deal and landownership issues. Civil society groups also got involved - primarily the local group, Agogo Concerned Citizens, and Food Security Policy Advocacy Network, a civil society coalition led by Action Aid Ghana. Action Aid organized villagers for a demonstration in Konongo, the district capital, in June 2010. Another point of contestation was the payment mechanism. While Scan Farms had agreed an amount with the traditional authorities that included the lease and compensation, the traditional rulers had not handed over the compensation to the affected citizens. To resolve this issue, Scan Farms paid the citizens directly and deducted the equivalent amount from the amount to be paid to the traditional authorities.

Lessons drawn from the Agogo Scan Fuel/Scan Farm land appropriation case are important for the formulation and implementation of policy guidelines for transnational land deals, as a complement to the emerging global guidelines and commitments regarding such land deals, argues the author. First, the case exemplified the need for a thorough survey of the land, land rights, as well as land use within the particular area before any deal is brokered or appropriation takes place. Second is the importance of the transnational company's consultation with landowners and even immigrants on how and where to develop the land to be acquired; in other words, prior to appropriating and transforming the land. This can minimize resistance and hostility from the locals, as well as address issues of unfairness or injustice, in spite of legal agreements with the local or national authorities and their often-false assurances that all is well and that the transaction can take place. Local and national authorities must themselves become more transparent, become clearer and more secure regarding land laws, and be more willing to handle, if not prevent, the issues arising from non-consultation and selfish deals made without regard for the livelihoods of ordinary people within a particular area.

Third, while compensation for land appropriated is in the right direction, it does not usually include immigrants and does not address the negative impact of environmental uses on people's livelihoods. One-time compensations also do not address the issue of the state of the land after the lease period has ended, which is very important. Fourth, legal agreements on transnational land deals need to be made public to pre-empt or reduce tensions or violent actions. Fifth, it is important to note the potency of organized resistance as opposed to individual resistance in securing response to grievances. Finally, gender matters, and a gender equality strategy (at least of the transnational company) needs to be in place in order that issues affecting women landowners, their rights, and impacts on their livelihoods are taken into equal account as that of men.

### **2.3.2 Reclaiming long lost rights to land in Nicaragua<sup>2</sup>**

In Nicaragua, as in many other Latin American countries, many citizens had been deprived of land for decades. In the case of Nicaragua, the Sandinista government with its Marxist ideology came into government in the 1980s promising to ameliorate that situation by providing land for the masses. In

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<sup>2</sup>Culled from Wilson, Bradley. 2013. Reclaiming the Worker's Property: Coffee, Land Grabbing and Farmworker Resistance in Nicaragua. Land Deal Politics Initiative (LDPI) Working Paper 42.

reality, that did not come to pass. Although the landholdings of the elite were reduced from 36% to 6.4% of the arable land in the country, much of this redistributed land (The People's Property), comprising coffee, cattle, cotton and sugar estates was transferred to the state and managed by the state in collaboration with the Rural Workers Association. When the Sandinista government lost power in 1990 to the Violet Chamorro, the new administration promised to grant workers a 20 year lease on the land with the right to purchase. This, however, was not to be. Instead, a huge conglomerate, the coffee-producing agribusiness CONSAGRA-AGRESAMI, acquired through foreclosures, manipulations, threats of violence and other tactics, a vast estate encompassing 15-18.000 ha of this land. In spite of the promises of the 1980s, therefore, rural farmworkers continued to be just that, landless farmworkers working first for the peasant farmers, then the state and now a capitalist enterprise.

In 2000, there was a global drop in coffee prices. This coupled with the subsequent deflation and disinvestment in Nicaraguan coffee production, resulted in the bankruptcy of CONSAGRA-AGRESAMI. With the collapse of one of the country's largest sources of seasonal rural employment, things went from bad to worse for the rural Nicaraguan farmworkers. Now, not only were they landless, they had also become unemployed. Food insecurity and malnutrition became widespread among rural workers and their families. In response, the farmworkers migrated from the rural areas and sought refuge in a total of 18 encampments that emerged across the country.

In these close quarters of the encampments, a sense of solidarity was built among the displaced masses who shared the similar plight of dispossession and unemployment. Over time, this awareness led to the creation of the Las Tunas movement which comprised men many of whom had military backgrounds and were thus more prone to a violent movement and women who as leaders of the movement brought a non-violent ideology to the movement. The presence of women accorded the movement legitimacy and sympathy from onlookers. Additionally, it ensured that the perceived central theme of the protest was the hunger of women and children, preventing the movement from only being framed as a manifestation of the grievances of ex-combatants.

The movement highlighted three main problems with their existing situation: the inequitable land distribution in terms of class and gender, the continuing need for fair wages and the lack of social amenities. To make their grievances heard, the Las Tunas movement organised 5, 000 of their members to form a human roadblock across the Pan-American Highway, the Highway that connected the northern and southern parts of the country. Described as the largest roadblock in Central American history, this roadblock lasted for three days (September 14<sup>th</sup> to 16<sup>th</sup> 2002) and drew the attention of both local and international media houses. Although the government initially sent in riot police to disperse the crowd, the protesters stood their ground. Four days later, government officials begun negotiations with the movement representatives in a secondary school building in Las Tunas surrounded by three thousand farm workers. The Las Tunas Accord offered short-term employment for 6, 000 workers, food aid and health care to the citizens of Las Tunas and the provision of land titles to 25% of the landless, unemployed coffee workers in Central Nicaragua (2, 500 families) were provided with land. Success had been achieved albeit only for a minority of the aggrieved.

### **2.3.3 Preventing a Large Scale Land Acquisition in Indonesia<sup>3</sup>**

Indonesia is a major target of large-scale land acquisition, especially for the cultivation of oil palm. The area under examination in Morgan's study is no exception: Sambas district, one of the poorest districts in the country could potentially transfer almost 1/3 of its agricultural lands towards oil palm production. This shift would inevitably transform the livelihood of rural dwellers, who largely rely on smallholder production of food crops and rubber. The company seeking to acquire this land, PT SentosaAsihMakmur (PT SAM) negotiated with the Bupati, the head of the district for a Location License and Plantation Business Permit without consulting with the community thus violating the basic principle of free, prior and informed consent (Nolte and Vogel-Kleschin 2013, Vermeulen and Cotula 2010, Von Braun 2009). The community surmised that their land had been taken over two years later when they began to see signs indicating so on the lands they farmed.

In response, NGO representatives and community leaders held a series of meetings that culminated in the formation of the first grassroots peasant organisation in the region, the Peaceful Farmer's Union (STSD). This union representing the affected communities then met with the district level House of Representatives to voice their concerns. After seven of such meetings, the Bupati met with the communities and agreed to withdraw the company's permit. When he wrote the letter, however, he simply stated that he was temporarily suspending the company's activities, not permanently revoking the permit as agreed with the community members.

Meetings with elected officials as a strategy was clearly ineffective. The union had to re-strategise as to how to proceed. Rather than a formal strategy, which primarily drew a male crowd because of the literacy requirements, the union adopted a new, less formal strategy: protest, a rarity in that district. To protest, a large crowd was required. Literacy did not matter. Women then could feature as actively in a protest movement as men could. On June 24<sup>th</sup>, 2008, thousands of protesters marched to the Bupati's office demanding a meeting with him. When he eventually showed up, he finally agreed to withdraw PT SAM's permit. The citizens of Sambas district had succeeded in ensuring that they could continue to maintain control over the lands in their community.

### **2.3.4 Preventing a Large Scale Land Acquisition in Ghana**

The most successful attempts at securing women's land rights in the face of large scale land acquisitions was in the village of Alipe, in the Kusawgu Division of the Gonja Traditional Council, thirty kilometres away from the regional capital Tamale. In the mid 2000's, Norwegian investors looking to create the largest jatropha plantation in the world approached this community for access to their lands. Feeding off of the environmental concerns about climate change and the growing interest in alternative energy sources, private investors wanted to cash in on the potential earnings by turning to biofuels and jatropha curcas, native to Central America was billed as the miracle biofuel. It had the added advantage of being able to grow in otherwise infertile land which meant it could be grown in the savannah zones of Northern Ghana. BioFuel Africa, a subsidiary of BioFuel Norway ([www.biofuel.no](http://www.biofuel.no)) and managed to get the illiterate chief of the community to hand over 38, 000 acres of land without following the basic principles of transparency and accountability advocated by the international community. The Regional

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<sup>3</sup>Culled from Morgan, Miranda. 2013. Women, Gender and Protest Emergence: Contesting Oil Palm Plantation Expansion in Sambas District, Indonesia. Land Deal Politics Initiative (LDPI) Working Paper 49.

Advisory and Information Network Systems (RAINS), a local NGO located in Tamale, the regional capital of the Northern Region took it upon themselves to reverse this situation. Information dissemination was key in this process. The RAINS team painstakingly sifted through the hype sold to them by the Norwegian investor regarding jobs, incomes and improved livelihoods to highlight the extent to which this was very likely to be a mirage made worse by the fact that the women in particular would lose access to the commons and the resources therein such as sheanuts and dawadawa as well as the deforestation that would ensue as the savannah lands were converted to jatropha plantations. The information dissemination exercises were targeted at the entire community and not simply the chief who had actually thumb printed the contract without a full understanding of its content. This communitarian approach to information dissemination is crucial so as to ensure that dissenting voices are as few as possible.

A second strategy that RAINS employed was to work with the appropriate state agency; the Central Gonja District Assembly tasked with the responsibility of ensuring that the land was earmarked for agricultural purposes in the district land use plan as well as the Environmental Protection Agency charged with the responsibility of ensuring that private investment in the country was not achieved at the expense of the environment. These agencies could draw on the relevant state laws to ensure that private investments were undertaken using the proper channels. Local Government Act 1993 (Act 462) for example enjoins potential investors to seek approval from the relevant District Assembly prior to engaging in any development project. In this particular case, the relevant government officials chose community interest over their individual interests, a situation that other scholars such as Schoneveld et al (2010) in describing comprador elites in other parts of Ghana cannot always be guaranteed.

Ultimately, the community heard RAINS' message loud and clear and chose not to continue the agreement with the Norwegian company. In abrogating the contract with the Norwegian company, this community safeguarded its farmlands as well as commons, the latter of which is particularly important for the livelihoods of women in Northern Ghana. The victory was bitter sweet though because while the company did move from the Kusawgu Division after having deforested 2600 hectares of land, they did not leave Ghana entirely; they simply moved to a different site in the Northern Region. While the strategies that RAINS adopted worked in this part of the Gonja Traditional Council, the lesson is that unless there is a coordinated effort to tackle this problem nationally, civil society organisations might find themselves chasing private investors across the length and breadth of the country.

### **3. RESEARCH METHODS**

This study was a qualitative project designed to explore the nature of land transactions, its implications for communities and the responses of these communities, particularly women to the impacts of the transactions. A qualitative approach was chosen over a quantitative approach because it allows for an in-depth exploration of the social world of community members experiencing large scale land acquisitions. We relied on three qualitative research methods: interviews, focus group discussions and participant observation.

#### **3.1 Indepth Interviews**

We conducted our indepth interviews with different groups of people in the Greater Accra and Eastern Regions of Ghana as follows:

### **Investors and their Representatives**

- Farm manager, Exotica<sup>4</sup> Fruits Pineapple plantation
- Corporate Affairs Manager, Exotica Fruits Banana plantation
- General manager, Glomart Farms

### **Public Officials**

- Mr. Joseph Aryeetey, Former Assembly man of Ga South District
- Assembly members of the Ga South District Assembly in Kwaku Pamfu

### **Traditional Authority leaders**

- Chief of Tenbibiam

### **Civil society organisations working on land**

- Agriculture Advocacy Manager, OXFAM
- Programme and Campaign Manager, OXFAM
- A development consultant previously working with Action Aid, Ghana
- Executive Director, Community Land Development Foundation (COLANDEF)
- Executive Director, Civil Society Coalition on Land (CICOL)

## **3.2 Focus Group Discussions**

In addition to interviews, we held focus group discussions. As with the interviews, we held the focus group discussions with various constituencies as follows:

### **Traditional authority leaders**

- Landowning families in Tenbibiam, Greater Accra Region
- Chief and elders of Otaten, Greater Accra Region
- Traditional leaders in Kasunya, Eastern Region

### **Community Members**

- Migrant community in Tenbibiam who took Glomart farms to court
- Community members in Obaampeohia, Greater Accra Region
- Community members in Adorvi, Greater Accra Region
- Elderly women in Kasunya, Eastern Region

### **Farm Workers**

- Female employees at Glomart Farms
- Male employees at Glomart Farms

## **3.3. Participant observation**

At Exotica in the Eastern Region and Glomart Farms in the Greater Accra Region, we engaged in participant observation of the sorting, packaging and storage practices. In addition, at Glomart Farms,

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<sup>4</sup> In keeping with the ethical principle of anonymity, the company names we use here are pseudonyms

we observed the maintenance system in place for the pineapples. Our observation was to ascertain the gender dynamics in place at the two research sites in terms of the hierarchies at work as well as the tasks to which men and women were assigned.

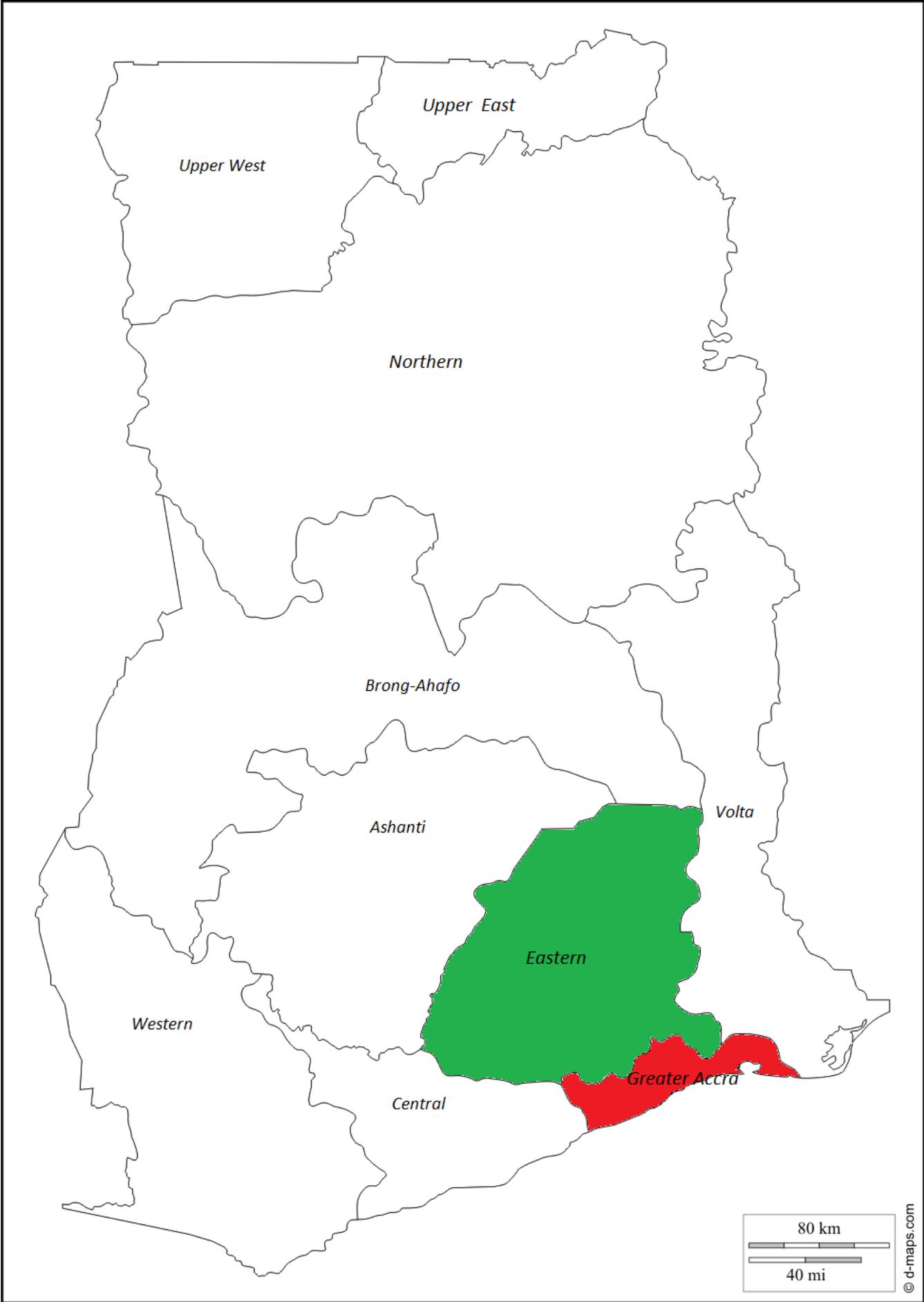
### **3.4 The research instruments and process**

The variety of research instruments we used for the various interviews and focus group discussions are attached in appendix 1. These instruments were drawn up in a collaborative manner with our partners from Cameroon and Uganda.

Interviews with public officials and the various representatives of the agricultural companies were conducted in English. All the other interviews in the Eastern Region were conducted in Adangbe while those in the Greater Accra Region were conducted in Ga. The interviews in Ghanaian languages were translated into English and then all the interviews were transcribed word for word. Using the thematic network analysis approach of Attride-Stirling (2001), we identified three global themes of procedural justice, distributive justice and responses to large scale land acquisitions. We then proceeded to identify the relevant organising themes and basic themes. Based on this process, we present our findings from the study. Prior to that, we discuss the two companies that served as the basis for our analysis.

### **3.5 Research Sites**

The study was conducted in the southern part of Ghana, in two of the 10 regions of the country. Southern Ghana has forest vegetation which is more amenable to the production of fruits and vegetables. Northern Ghana, on the other hand, is more savanna-like and thus more amenable to the production of bio-fuels such as jatropha. Many of the plantations set up to produce bio-fuels are, however, lying dormant. Our choice of Southern Ghana for the project was therefore informed by the desire to investigate the implications of large scale land acquisitions in a place where production was on-going. Greater Accra Region, as the region that houses the capital city also has the additional pressure of interest in land for real estate purposes. The choice of Greater Accra Region was informed by a decision to explore to what extent the heightened interest in land for agricultural and real estate purposes produced a different set of processes in the acquisition of land. Finally, Eastern Region was chosen because of the availability of land under both statutory and customary law for agricultural purposes, a point to which we shall later return. Map 1 on the next page provides a visual image of the location of our research sites.



## **4. THE CASE STUDIES**

We studied two companies for this research project; Exotica Limited which had operations in the Greater Accra and Eastern Regions and Glomart Farms which had operations in the Eastern and Volta Regions. Both companies produced pineapples in the Greater Accra Region while Exotica Limited produced bananas in the Eastern Region. Our choice of these companies allowed us to explore production processes for two different fruits and the extent to which this had implications for interests in land or otherwise.

### **4.1 Case Study 1: Exotica Limited**

Exotica Limited is part of a larger French company founded in 1939. The parent company has operations in four other African countries: Cameroon, Ivory Coast, Morocco and Senegal. Exotica was incorporated in Ghana in 2003 and over the period, the company has invested 45 million Euros into its operations in Ghana. Exotica specialises in the production of bananas and pineapples which it exports primarily to Europe (91%) and West Africa, specifically Benin, Burkina Faso, Niger and Nigeria (9%). Golden Exotic is a major player in the country's agricultural export operations; in 2010, it exported 92% of the country's total banana export while in 2011, it exported 28% of the country's total pineapple export. The company which has been fair trade certified since 2012 has two large scale land acquisitions in Ghana, the first is a 1617 hectare piece of land, 1200 of which has been planted with bananas while the second is a 1411 hectare piece of land earmarked for a pineapple plantation. The banana plantation located in Kasunya in the Shai Osudoku district was acquired from the government which had earlier acquired the property from the community as well as the Tettehman family which had already registered the land as far back as the 1960s while the property earmarked for pineapple was acquired from 26 different families over a 10 kilometer radius, though not contiguous in the Obom village in Amasaman in the Ga South district.

#### **4.1.1 Exotica's Banana Plantation**

The land for the banana plantation was initially acquired by the government of Ghana in the 1960s for agricultural purposes. The convention in Ghana is for land acquired by the state to revert to the owners if not used for the purposes for which it was acquired. In keeping with this convention, to prevent the land from being given back to its owners, the government of Ghana ceded this land to Exotica for agricultural purposes. This government acquired land consists primarily of a clayey kind of soil known as vetic soils which is not good for non-irrigated agriculture and was thus used for cattle grazing. A tiny slice of this property on the eastern side was sandy soil; the company ceded this portion of 116 hectares to the local population because it was not good for banana production. In exchange for the ceded land, the company was given a concession to the northwest of the property which was mountainous for construction purposes. The government-acquired portion of the land was acquired with little or no conflict. The portion acquired to the southwest of the government acquisition though has been met with some conflict over usufruct versus ownership rights. On this portion of the property, a 12 hectare experimental banana farm is underway.

The land that Exotica has under cultivation in this part of the country is 1200 hectares. This banana plantation provides jobs to 2100 workers, 12% of whom are female. Women are restricted to the packhouses. Although few, the introduction of paid labour opportunities for these women, according to

the corporate affairs manager, dramatically reconfigured gender relations in the community. A major reconfiguration was in terms of livelihoods. Prior to the arrival of the company, women were not working in the formal sector. The company provided these women with their first income earning opportunities in the formal sector. Given the novelty of production processes to these women, they had to work long hours in the beginning to get a handle on their jobs. Their husbands misread their late night arrivals as excuses for having sexual liaisons with other men on the plantation. Tensions were most apparent 18 months after the farm had been started when harvesting begun. Expansion had to be stopped for 2 years. Workers were brought in from Cote d'Ivoire and Columbia to train workers one on one so speed would improve. Now there are dual income earners with transformed lives in this community. Employees also have access to a bus to and from work, workmen's compensation and the national health insurance policy for workers, spouses and three kids.

Corporate social responsibility in the communities surrounding the banana plantation include: contribution to the rehabilitation of the Akuse Public hospital; 3 wells to provide potable water to villages around the farm, the construction of a bridge and road linking Kasunya and Niapenya and a financial contribution to the electrification of Kasunya.

#### **4.1.2 Exotica's Pineapple Plantation**

This land, unlike the banana plantation, was not lying fallow. Prior to the arrival of the company, Togolese sharecroppers worked the land; these sharecroppers have now moved beyond Agona Swedru. Landlords were happy to sell to the company because they wanted their property registered and better rents. The land was registered and leased for 25 years in 2004 instead of the conventional 50 year period so that children of those who first registered the land could also benefit from the renegotiations. This from the perspective of the company prevented sabotage. The land was leased for the equivalent of 50, 000 cedis an acre (approximately \$5 an acre) at the time. Ten percent of the land value was given at the beginning to ensure that the land was made available, i.e., to ensure compensation was paid to the Togolese sharecroppers. The company then went to verify the availability of the land at the relevant state authorities after which a right of entry ceremony was held to ensure that everybody knew about the land transaction. The rest of the money minus the last 10% was then paid. The final bit of the money was paid only when those in buildings on the property were moved. Compensation issues were left to landlords but the company facilitated the process with financing such as paying for a survey of the land.

The history of the family tree was then drawn and the company demanded that signatories to the land agreement included both males and females on the tree. As tenants, the company also pays respect during funeral rites of people on the list which also encouraged the inclusion of all members of the family on the list. Although an outright lease, annually at festival times, the company donates drinks and an amount of money negotiated every other year. Experience doing acquisitions gave them the idea of how to proceed. The Corporate Affairs Manager of Exotica was the owner of a farm in the Obom village which he sold to the foreign company. The Corporate Affairs Manager was the first Ghanaian certified organic farmer trained in Sweden and his farm Paradise Farms was the first certified organic farm in the country. Paradise Farms land was acquired in 1988, the farm was set up in 1990 and the farm was sold to Exotica in 2003.

In terms of workforce, as opposed to the banana plantation which is heavily male dominated, the pineapple plantation draws on both a male and female labour force. Corporate social responsibility in

the communities surrounding the pineapple farm includes financial assistance to the Obom public hospital, the construction of a laboratory at the hospital, tertiary roads around the farm and contribution to the electrification of Agbazo village.

#### **4.2 Case study 2: Glomart Farms**

Glomart farms is a Ghanaian owned firm located in the Greater Accra Region of Ghana. It was begun as a sole proprietorship project in 1985 when the owner then providing his one year of service to the government in exchange for free education (National Service) at the Nsawam Cannery was offered Nsawam Cannery land to provide fruit for the cannery as an outgrower. When the cannery collapsed, he teamed up with a Swiss friend he met on the *Association internationale des étudiants en sciences économiques et commerciales* (AIESEC) program who looked for a market in Switzerland for his produce. The Ghanaian currently owns 83.5% of the farm while the Swiss man owns 16.5%. The farm which started off as a 0.5 acre farm now comprises 2000 acres of pineapple grown in the Greater Accra Region and 700 acres of mango grown in the Volta Region. The success of the farm evident in the fact that the Ghana Export Promotion Council gave the farm its gold award for exports in three consecutive years (2011, 2012 and 2013). Although the farm exports the majority of its produce (4-forty foot containers per week) to Switzerland, Germany, the United Kingdom, France and the Middle East, they also provide about three-quarters of a container full of fruit each week to Blue Skies Company Limited, the larges fresh fruit juice producer in the country. In addition, in the last 4 years, the company has set up a small juice producing firm of its own.

There are 270 pineapple farm workers on the Glomart farms, one third of them are female and engage in harvesting, weeding, sucker grading and spreading. Due to the heat, farm workers work only from 8am to 12 noon. Children are technically not allowed on the farm because of the potential hazards to their health. However, this rule is not strictly enforced and on the day we went for a tour of the farm for example, we did see a toddler and his baby brother on the farm. The pack house is 70% female. Since the workers in the pack house stand all day, the companies prefer young women. Decision making on the farm is sensitive to gender as evident in the fact that the decision making body with responsibility for determining how fair trade proceeds are used is required to have at least a third of its members being female.

The farm was fairtrade certified in 2001, the first pineapple farm in the country to be certified as such. Fair trade premiums were channeled directly to workers as well as the to the neighboring communities. The workers received scholarships for their wards who made it to senior secondary school and beyond as well as 37.5% reduction in the costs of the meals offered at the work canteen while the company contributed an extra 20% of the costs of meals. The community benefits included:

- A three classroom kindergarten block
- Conversion of a pavilion at Akotate into a proper segmented classroom building.
- Renovation of the clinic in the village of Obom (provision of furniture, bedding, television sets)
- Boreholes for the communities
- Maternity wing of one clinic refurbished
- School jerseys and balls provided for team at Kofikwei school.

- Transportation also provided to cart items such as furniture from district education offices to schools and to cart students to various school events such as sports competitions and national quizzes.

## **5. FORMAL/INFORMAL RULES/MECHANISMS UNDERPINNING LAND TRANSACTIONS IN THE GHANAIAN CONTEXT**

Ghana operates a dual system of land administration, one that Lavigne Deville (2010) describes as a system of legal pluralism. The acquisition and disposal of various land rights are managed by both a statutory and customary land tenure system. The statutory system operates under a set of written rules and statutes. There are 166 land related laws in Ghana. In addition, in 1992, as Ghana returned to constitutional rule for the fourth time in its post independence history, a new Constitution was written, one that continues to be used. This Constitution also has a number of articles that protect Ghanaian women's rights to land. Below, we outline four of the articles that support women's rights to land:

- Article 17 of the 1992 Constitution prohibits discrimination on the basis of gender and guarantees all citizens equal protection of the law and opportunity. It, however, allows laws to be passed to ensure affirmative action where historically it can be established that there was discrimination against a particular sex.
- Article 18 guarantees the right to property either alone or in association with others. This implies that women can own interest in land alone or in association with others.
- Article 22 protects the property rights of spouses and requires Parliament to enact a law to ensure that properties which are jointly acquired are equitably distributed. This law has not yet been passed.
- Article 36 of the Constitution, which sets out the Directive Principles of State Policy, requires the state to "take all necessary action to ensure that the national economy is managed in such a manner as to maximize the rate of economic development to secure the maximum welfare, freedom and happiness of every person in Ghana, and to provide adequate means of livelihood and suitable employment and public assistance to the needy."

The customary system is operated by the unwritten rules of custom and tradition. The existing literature (Dowuona-Hammond 2003; Agbosu et al 2007) makes it clear that women's position is subordinate to men under customary law and as such women's rights to land are limited. Women, cannot access land in their own right, only through their husbands and fathers. Thus, a woman's access to land is dependent on the largesse of the men in her life.

Both systems are recognized and guaranteed by the 1992 Constitution. The statutory system covers 20% of the land in the country while the majority of land transactions are governed by customary norms. Under customary norms, stool heads/skin heads as well as heads of families hold land in trust for the members of the community at large. However, increasingly as land has become commoditized, the

traditional rules and regulations governing land acquisition no longer hold. Yaro (2013) argues that the moral foundations of rural societies has been weakened such that the custodians of the land are no longer interested in holding land in trust for community members. Instead, they seek to enter into land transactions for their personal enrichment and often to the detriment of the vulnerable in society. The state has, however, been making efforts to address this situation.

Beginning in 2003, with funding from the UK's Department of International Development, the Land Administration Project (LAP) begun to set up Customary Land Secretariats (CLS). Between 2003 and 2009, a total of 37 CLS were created. One of the key goals of the CLS is to develop mechanisms that improve the security of the vulnerable in society including women, poor and landless families, strangers and tenants. However, the effectiveness of the CLS is undermined primarily by the fact that no law covers their existence and operations. As such, the establishment and utilisation of CLS is completely voluntary. Traditional councils who are unwilling to cede some of their authority over land to the CLS are less likely to participate in the program (Ubink and Quan 2008; Schoneveld et al 2011). In addition, studies of the operations of the CLS show that they lack both the human resources and logistics that will make it possible for them to undertake their jobs effectively. Given this situation on the ground then, land transactions continue to largely be undertaken at the community level with little intervention if any on the part of the state.

## **6. CITIZENS' ACCESS TO PROCEDURAL JUSTICE IN THE WAKE OF LARGE SCALE LAND ACQUISITIONS**

To explore issues of procedural and distributive justice, we begin first with an exploration of the extent to which land owners/custodians of the land displayed downward accountability in the manner in which they engaged in the land transaction with the various companies. Existing scholarship show that downward accountability is rare in large scale land acquisitions (Schoneveld et al 2011; Tsikata and Yaro 2011; Wisborg 2012) and our research affirms these findings. Family heads are expected to discuss the land deal with the rest of the family while stool or skin chiefs are expected to discuss this with the larger community. We found that neither family heads nor chiefs were very good at divulging the details of a land transaction with their constituents. Infact, in one case in the Greater Accra Region that we investigated, the desire on the part of the family head to derive the maximum benefit of a land deal for himself led to a situation where with little knowledge about the land market and/or the workings of neoliberal capitalism, he had signed a contract with a company that was of little benefit to himself and his family at large. Meanwhile, his family was really upset with him years after the fact for how little money he had received for leasing the land. He had not even ensured that the right amount of land had been ceded over to the firm. Instead of asking his family members in the know to contract a surveyor for the purposes of delineating and mapping out the exact boundaries of the family land, he had relied on the company to provide a surveyor for that purpose. Years later, as real estate companies also interested in the land came to him seeking access to his land, he discovered that his family owned much more than the firm had made him understand that they owned. Similarly in the Eastern Region, when the land rights of community members were being determined for compensation purposes, the firm in question had utilised remote sensing technology to map out the area and had videotaped the process of land demarcations and compensation. The custodians of the land had no such documentation of the process that had taken place.

In other cases explored in the Eastern Region, the family head or chief would confer with his council of elders all of whom are male and completely sideline female family/community members. When asked in the case of the Eastern Region community we investigated, if women had been part of the discussions about the land deal, the Chief and elders simply laughed completely amused by the supposed preposterousness of our question. Two elderly females in the Eastern Region shared their sentiments regarding this process in the following manner; "no, we were not involved." (R8) and "I wish they had involved us." (R.6)

While family members and the community were largely ignored in the land transactions that had taken place, one can argue that this was happening inspite of the customary provisions for their interests to be upheld in such transactions. Internal migrants, on the other hand, found themselves in a very precarious situation. As a constituency, customary norms have little regard for them. Land is leased out to them so long as indigenes have no need for it. As and when indigenes find a need for the land, migrants will be dispossessed with little or no warning. In the Greater Accra Region communities that we studied, the migrants found themselves in more of a fix because they had not really been paying their leases. This was because two families were claiming ownership of the land and demanding that the migrants pay rent to each family for the same piece of land. Having tired of paying for one piece of land twice each year, the migrants had begun to renege on their payments. The landowners were therefore quite happy to turn over their lands to the agricultural companies for farming purposes. Intent on getting a better deal than what the internal migrants offered, land owners lost sight of the true value of the land and simply focused on anything that was better than what they were receiving from the internal migrants. When companies came in offering to buy land previously given to migrant settlers, the settlers were not necessarily compensated. Because the agreements between landowners and settlers were not written in stone, no alternative plans had been made for breeching of contracts. At best, what the landowners did was to resettle the migrant settlers on infertile land which hampered their food security.

There were efforts on the part of the companies to ensure that downward accountability between the custodians of land and their constituents took place. The success of these processes is debatable. The corporate affairs manager of the firm we studied in the Eastern Region made it quite clear that in the transactions that they had engaged in, all community members were apprised of the negotiations. They did so by organising community durbars and requesting the signatures of all family members on the lands they leased. Technically, in the model utilised by this firm, no male or female was disenfranchised in the process of the land acquisition. The firm that was located in the Greater Accra Region left the business of downward accountability to the families leasing the land. They worked directly with family heads who signed the contract and two witnesses to each contract, one of whom had to be the chief in the community. In the model utilised by this firm, women were heavily disenfranchised. In 80% of the cases of land sales between this firm and the communities, women did not participate in the actual negotiations and decision making on land issues. While in some cases, their views were sought, opposition to land-sales on the part of the women was likely to be squashed. Three out of 15 families that sold land to the local firm had a female head. None of the 30 witnesses were females. While women were not actively involved in the decision making regarding land transactions, they felt the brunt of the ill-effect of these decisions. In line with their roles as caregivers, they were concerned about the water pollution and illnesses brought on by the farms as well as the lack of access to potable water. Men, on the other hand, were more concerned about providing for their families and the ways in which

their incomes had not improved dramatically with the conversion of their farmlands into large export firms.

Accountability between land owners and companies is also quite poor. The landowners and companies enter into agreements with quite contrasting viewpoints about the role of trust in such relationships. Landowners assumed that an oral agreement was as valid as a written agreement. Landowners expected companies to keep their word regarding agreements about corporate social responsibility (health posts, schools, improved toilets – the Kumasi Ventilated Improved Pit, roads, electricity and/or water supply). None of the families we contacted could confirm the content of the contracts they had signed; in one case at least, the family head who signed the contract did so completely ignorant about the contents. He could not read and did not insist that a neutral person read the contents of the contract to him prior to signing. No family was able to show us a copy of the contract. While in the focus group discussions, elders present always referred to an absent member as the one with the contract, in an indepth interview with one chief who had signed the contract, he admitted that he did not have the contract and indeed had not felt the need to have the contract until we showed up asking about the content of the contract. Thus, while the community members were quite aggrieved and disappointed in the companies for breaching the agreements they had made, it was also quite obvious that the basis upon which the agreements had been made followed a logic quite alien to the landowners and one which the companies took full advantage of. Whatever needed to be said to the landowners to get their cooperation in terms of handing over land was said with the full knowledge on the part of the companies that so long as it did not make it into the written contract, they could not be held accountable. Corporate social responsibility on the part of the firms was thus less of an obligation enshrined in the contract and more of a commitment on the part of the firms involved in the transaction. In the case of the communities in the Greater Accra Region who had leased land to both foreign and locally owned firms, community members were of the opinion that the foreign owned firms had been more neglectful of the communities than the Ghanaian owned firm.

Distrust among landowners and companies is mutual. While the landowners have come to mistrust the extent to which they can take the word of the companies regarding their corporate social responsibilities, the companies also suggest that the landowners are duplicitous in that it is difficult to determine exactly who owns a piece of land. Particularly with pineapples that requires long term fallow periods of a minimum of two years, the companies find that the landowners attempt to repossess the land (for other agrarian uses), something which the companies vehemently resist.

Another area in which procedural justice was quite poor had to do with the manner in which companies related to settlers. Settlers whose lands have been sold or leased are obliged to move out without necessarily receiving compensation. Glomart Farms, the Ghanaian owned farms suggested that in the past, they had allowed settlers to remain on the farm land they bought. As the farm manager put ‘we tried to add a human face to whatever we did’. Over time, however, they had come to the decision that it made more sense to relocate settlers for the following three reasons: settlers were stealing the fruit meant for export; the sanitation practices of settlers had implications for the quality of the fruit the companies were intending for export; the chemicals used to spray the crops could have an ill-effect on the health of the settlers. In an attempt to relocate the settlers in a just manner, the firm offered to help with relocation costs including offering to provide aluminium roofs to all the migrants who resettled in the village where the citizens who had leased them the lands lived. Due to a misunderstanding (settlers

denied the fact that they had been offered relocation costs), the settlers opted to take the firm to court. Ultimately, they lost the court case because the judge who visited site to confirm whether or not indeed their houses had been destroyed as they claimed found no such thing. The company then rescinded their initial offer to roof the houses since they had spent the money earmarked for that on the court fees. Clearly, in this instance, information flow was very poor leading ultimately to injustices suffered on the part of both the firm that had to spend money going to court and the settlers who spent money they barely had on a court case that they lost.

## **7. CITIZENS' ACCESS TO DISTRIBUTIVE JUSTICE IN THE WAKE OF LARGE SCALE LAND ACQUISITIONS**

We explore issues of distributive justice at three levels: adequate valuation and compensation for the land, adequate remuneration as communities have become depeasantized and the benefits and costs of large scale land acquisitions from the perspective of community members.

### **7.1 Adequate Valuation**

With regards to adequate valuation and compensation for the land, it was clear in all the cases explored that agricultural lands are valued at far lower prices than real estate. In some parts of the capital city Accra, where the land market is most well established and land scarce, a quarter plot of land goes for anywhere between a minimum of US\$2, 000 and upwards of US50, 000.00 for a 99 year lease. Estimates in one case for farmland, however, suggests a payment of roughly \$100.00 per hectare for a 25 year period. The lump sum paid to roughly 10 elderly men representing a family amounted to a sum of roughly \$1000 per male family member for the 25year period. In very few cases were these monies shared equally among family members and if it was, it would amount to very little per person. No family shared information suggesting that the monies were converted into tangible assets such as a house, car, machinery or electrical equipment. The long term security that access to land offered was substituted for payments that were often used for subsistence needs and dissipated in less than a year. Increasingly, in policy circles, there is a discussion that landowners should seek for equity in the companies instead of requesting for upfront payments. The argument is that equity ensures that income accrues to the community on a yearly basis.

### **7.2 Adequate compensation**

A second measure of distributive justice focuses on the nature of compensations in the workplace both in terms of salary and benefits. At the Ghanaian owned firm, senior supervisors are paid 600 Ghana cedis a month (roughly \$200.00 a month); junior facilitators are paid 400 Ghana cedis a month (roughly \$130.00 a month) and the minimum wage is 8.80 Ghana cedis a month (roughly \$3 a day). Workers were barely able to subsist on these incomes. The one worker at the pineapple farm for Exotica we interacted with who had worked in the pack house for a decade conceded that without his Dad who provided him a motorbike for transportation and his wife who took care of their daily subsistence needs, he would not be able to survive on the income he makes.

In the FGDs, both male and female workers talked about the fact that the one good thing about working on the farms was their ability to take loans to pay for their children's educations, loans they repaid on their meagre incomes. Their hope was that with the education their children received, they could find better paying jobs as adults. The extent to which this is likely is very debatable given the poor quality of education the children are receiving in the under-resourced public schools they attend. Indeed, although

the firm offered scholarships to the children of workers who made it into upper secondary school (ninth through twelfth grade) and college, very few students made the grades to get that far.

The lack of long service bonuses reflected in monthly incomes such that new workers and longer serving workers received the same amount of salary. Although according to the farm manager, long service awards schemes were in place and to be implemented with fair trade proceeds (a half acre plot of land complete with suckers, labour costs and inputs after five years – abandoned because of expense prior to fair trade and replaced with two months salary after 5 years of work; five months salary and five bags of cement after 10 years of work; five months of salary, twenty bags of cement and a wristwatch after 15 years of work; five months of salary, 20 bags of cement and a gold plated watch after 20 years of service), not all workers had received what was due them. In addition, workers were to receive annual bonuses but since 2012, those had not been paid because the company's sales had been on the decline possibly due to competition from Latin America.

### **7.3 Benefits and costs of large scale land acquisitions**

Finally, we explore issues of distributive justice with respect to the benefits and losses that communities had experienced as a result of the large scale land transactions that had taken place. In the Eastern Region community that we investigated, the overwhelming sentiment was that the land acquisition had been more of a bane than a blessing. While 23 respondents pointed to the myriad of problems that had befallen them, only 7 could pinpoint the benefits that had accrued to them with the transfer of lands to the large agro-export firm. Respondents alluded to four major costs and three benefits.

There were four major sources of concern for this community. First was the health impact of the plantation and secondly the poor quality of the water source provided for them as part of the company's corporate social responsibility. Banana plantations require a lot of water to thrive and as such the banana farm in the Eastern Region was irrigated. Some parts were swampy leading to stagnant waters and its attendant mosquitoes in a tropical climate such as ours. The result then was a high incidence of malaria so far as respondents were concerned. The poor quality of the water was expressed in the following manner: R.4 "...provided us with water, but it is salty." Another respondent (R5) noted, "we don't have water so we use pure water to cook because the water they give us is salty. You can't even use it for washing. It doesn't lather with soap." Another (R9) remarked, "The water is salty and smells." Respondent (R12) offers a slightly different opinion when she notes, "as for me when I finish bathing, my whole body begins to itch. Before the banana company came, we were not having any problem with our water."

The second most common source of concern for respondents was the loss of lands and the lack of compensation. One respondent (R10) alluded to dispossession in the following words, " We were pushed by some other people from where we used to do small farming." This respondent went on to opine, "no, we were not compensated." In the words of one other respondent (R9), "we want our chiefs to give us some of the money..."

A third source of discomfort with the land transaction lay in the implications for reproductive activities. One respondent (R2) noted, "initially, just around your house you could get some twigs for cooking but right now it is not like that. Sometimes we go and steal from other people's farms. Similarly, another (R.4) opined, "now, we buy firewood, unlike at first when we could just go picking them around."

Finally, respondents raised the issue of the loss of access to traditional remedies for ailments. One respondent (R.1) noted, "we don't practice herbal medicine but those who do it are complaining that the forest is no more. So they are not getting the herbs."

Benefits included access to employment, enhanced trade made possible by the fact that the employees in the firms had more disposable income to purchase everyday products, and infrastructure, specifically schools, electricity and a palace/family house. Respondents shared their sentiments regarding employment in the following manner: R.4 notes "Our brothers and sisters have been employed" and R.11 points out that "...Our children too have been employed." The implications of enhanced employment opportunities for the larger community was noted by R.11 who opined that "Economic activities have been enhanced. Whatever we sell people buy..." With respect to infrastructure, one respondent (R12) noted, 'As for the light, they have provided [it].' Some examples of infrastructure inured to the benefit of communities at large such as the provision of potable water and electricity while other such as the provision of a palace/family house benefited only the royal household.

## **8. RESPONSES TO LARGE SCALE LAND ACQUISITIONS**

In West Africa, women are known to have been able to protest successfully against oppression of different forms using a variety of tactics including female nakedness and protest songs. Two of the more famous cases are the Aba Women's War of November-December 1929 where the women protested successfully against taxation by the colonial masters (Mba 1982) and more recently the Liberian Women's use of threats of nakedness to persuade the rebels to come to an agreement as beautifully illustrated in the film "Pray the Devil Back to Hell". While the history of female nakedness as a threat in the Ghanaian context is unclear/undocumented, there is clear evidence of the space for protest songs. During the Homowo festival of the Ga, for example one day is set aside for citizens to register their displeasure with the Chief through song. These songs are known as djamaa. Also among the Dagaba of Upper West Ghana, Saighoe (1997) documents protest songs known as bewaa songs. Protest is therefore not new to the Ghanaian. In this section of the report, we document the nature of protests in response to large scale land acquisitions

### **8.1 Non-conventional agency: Strategic Inaction**

In the two research sites we studied, while the communities in general and the women in particular were acutely aware of the injustices they faced, neither the men nor the women resorted to the use of any of these traditional forms of protest. There seemed to be a sense on the part of the custodians of land that in this new environment in which we find ourselves, one where land has become a commodity, the old sensibilities that govern land transactions no longer hold. Yaro (2013), in an insightful piece about the impact of neoliberalism on traditional institutions notes the ways in which it has greatly undermined conceptions of land as a sacred commodity outside the realm of the market economy. He documents the ways in which traditional leaders were arrogating unto themselves the rights to sell land which traditionally they should have been safeguarding for the use of generations to come. In our interviews with traditional leaders as well, it was clear that they felt justified in arrogating unto themselves the sole power to determine what happened with the lands entrusted in their care. One chief, even without having the knowledge to determine the exact acreage his family owned and an appropriate price for it

had gone ahead to sign off his family's land to Exotica Limited to the great chagrin of the rest of his family.

In this new context of land commoditization, a state of anomie seems to have been created. New rules of protest have not yet been created to deal with the new reality of commoditisation and the old rules, that of protest songs or female nakedness seem inadequate given the new reality. As a result, the communities resort to what Green (1999) has defined as strategic inaction. Strategic inaction can be described as the situation where having carefully considered the costs and benefits of confronting the patriarchal system in which one lives, an individual opts to stay put and leave the system unchanged. While technically an individual who engages in strategic inaction does nothing so far as outcomes are concerned, it is important not to conceptualise this as passivity on the part of such individuals. As Mamphela Ramphele puts it, "the decision not to act as a powerful act in itself" (cited in Green, 1999: 153). These individuals do act. The process of calculating the costs and benefits of confronting authority is in and of itself action and represents agency on the part of these individuals. The manner in which such individuals choose to apply their agency – by not acting – is what separates them from other kinds of actors. Increasingly, such actors who defy conventional notions of agency are being identified and described in the feminist literature (Ekine 2008; Mahmoud 2005).

## **8.2 Conventional Agency**

Across the country, however, opposition to the status quo has been much more conventional and comes largely from two forces: national and international civil society organisations. The organisations that were interested in women's land rights had twin problems to address; the patriarchal logic governing traditional land transactions between Ghanaian women and men and the neoliberal logic underpinning land transactions between locals and commercial interests. Strategies that work well in one situation might prove highly inadequate in the other and vice versa. Over the last decade, both local and international non governmental organisations have made a number of efforts to address these twin problems using a variety of innovative methods.

One of the key ways to transform the land transactions landscape is to enhance women's inclusion in the various decision making bodies that have oversight responsibilities over land matters at the local level. The Civil Society Coalition on Land (CICOL) has taken this approach to enhancing women's land rights. In a number of Northern Ghanaian communities, they have done so by resuscitating traditional female leadership structures, the Magazia/Pognab/Nagaba, who are traditionally community leaders chosen because of their kinship ties to the chief. In the matrilineal communities where the female authority structures, the Queenmothers, are fairly well organized complete with regional level associations, CICOL has invited them to meetings. At these meetings, the importance of these traditional female leaders taking on more of an oversight role in land governance matters in order to ensure accountability has been emphasized. The evidence suggests that many of the Queenmothers concede that they have been sidelined in the land acquisition processes. These meetings serve to affirm the need for them to respond more proactively to challenging the status quo. Infact, after a series of meetings with CICOL, the 230 Queenmothers' of the Asanteman Traditional Council issued a communiqué to the Asanteman Council, the National House of Chiefs and the Government of Ghana that detailed their demands for increased transparency in land governance in the country.

Other civil society initiatives focus on creating alternative structures for managing land acquisitions in local communities. One such alternative has been the Grassroots Sisterhood Foundation's creation of Community Land Development Committees (CLDC) designed to ensure that land is managed in a transparent and accountable manner. Five such committees have been established. In two of the communities where the CLDCs have been established, gender inclusiveness has also been a key consideration in the composition of the membership. In these two communities, the CLDCs include three women.

Land rallies are meetings that are held with key stakeholders in land management such as chiefs, the lands commission and other land sector agencies to provide communities with a fuller understanding of the various processes that should underlie land transactions in Ghana. The key goal of these rallies is to equip traditional rulers with the requisite knowledge to ensure that they undertake their responsibilities to manage land in a manner that is sensitive to the needs of the communities over which they preside. The content of these rallies is modeled largely on the UN Voluntary Guidelines. Land rallies are a key strategy that CICOL adopts in its work on enhancing land rights. CICOL in collaboration with WILDAF also offers follow up support to the communities that need legal advice to be able to challenge traditional/customary law.

WILDAF adopts a legal approach to the issue and uses a two-pronged approach to address this issue. On the one hand, the organization offers legal literacy clinics to community members to apprise them of their rights as citizens. To ensure that the training is not ad-hoc, two women in each of the 15 project communities were chosen as community advocates and were trained to be able to sensitise community members about their property inheritance rights among others. Linked to this approach is workshops with traditional authority leaders where customary provisions for women's land rights are juxtaposed with their constitutionally mandated rights so as to recognize the inconsistencies and proffer solutions to them. The second prong in their approach is to train paralegals who can then offer pro-bono services to citizens who having attended the legal training sessions recognize that their rights have been trampled upon and seek legal resolution to their problems.

Offering on the ground assistance to resolving land transfer disputes is not limited to WILDAF. The Grassroots Sisterhood Foundation (GSF) has also adopted this model through its Community Watchdog Committees. These committees comprising women in the communities who are trusted by their fellow women intervene in property grabbing situations to ensure a fair deal for the women involved.

Another mechanism for dealing with the patriarchal traditional structures is to offer a basic lease model and encourage communities to adopt the lease as a way of formalizing the traditional tenancy agreements between leasee and lessor. In many communities, women who have less financial wherewithal can only enter into verbal yearly agreements. The formalized lease model offers security for these women. The lease model approach is also useful for formalizing contracts between indigenes and settler farmers. The research we have conducted has shown that female migrants are in a much more tenuous situation than indigenous women. Wisborg (2011) supports this assertion when he documents that much of the land leased to Scan Fuel/Scan Farms in the Agogo township was land that had originally been leased to settler farmers. When approached with a larger financial offer than that which can be paid by settler farmers, landowners are tempted to throw the original leasees off the land with little concern for the implications of their actions on their welfare. The basic lease model that

organisations such as COLANDEF and Land Resource Management Centre (LRMC) have adopted allows these settler farmers to have a contract which can be legally upheld if the need arose. The LRMC have gone a step further in this regard to develop a spousal transfer agreement as well. This agreement allows spouses, especially husbands, to transfer either communal or privately acquired property to their spouses to prevent disputes upon the death of the husband. The LRMC is documenting the effectiveness of these models by working with 3, 500 farmers in the town of Enchi in the Aowin District of the Western Region.

### **A Selection of Organisations working on women's land rights in Ghana**

#### **Civil Society Coalition on Land (CICOL)**

CICOL is a network of nongovernmental organisations, civil society organisations and individuals who are interested in land issues in Ghana such as land rights, land administration and land management. The coalition started in 2003 when the Land Administration Project, funded by the World Bank was set up. The LAP personnel invited a number of organisations working on land matters to its initial meetings discussing social accountability on land matters in Ghana. The NGOs that were invited to these meetings decided to come together to create a formidable force that would be able to speak to the issues that would be coming up, because they realised they could not have their voices heard individually. CICOL, registered in 2007, is the outcome of this decision. CICOL relies on donor partners including OXFAM Ghana to be able to carry out its activities.

#### **Community Land and Development Foundation (COLANDEF)**

##### **No website available**

COLANDEF was established in 2004 by a former employee of the Lands Commission who recognized the myriad ways in which the needs of local land users, particularly women in rural communities were largely unmet in the administration of lands. Her organization therefore works to redress this gap. COLANDEF's work is supported by a variety of international funders including Action Aid Ghana.

#### **FoodSPAN**

##### **[www.ifsni.info](http://www.ifsni.info)**

Food Security Policy Advocacy Network (FoodSPAN) is a network of civil society organizations and individuals who work on food security issues in Ghana. The network was set up after a two day workshop held in December 2002 which was organized by Action Aid Ghana and the Food and Agriculture Organisation of the United Nations. A key goal of the network is to ensure that all Ghanaians have the right to food at all times.

#### **Grassroots Sisterhood Foundation (GSF)**

The Grassroots Sisterhood Foundation (GSF) was established in 2000 to ensure that young girls and women living in the Northern sector of Ghana could live their lives free from the injustices imposed by cultural strictures. As the name implies, they work primarily through women's groups. Currently, their work with 75 women's groups reaches a total of roughly three thousand women. They are well known across the

continent for their work on women's land rights as evident in their participation in the Women's Land Link Africa Initiative.

#### **Land Resource Management Centre (LRMC)**

**[www.lrmc-ghana.org](http://www.lrmc-ghana.org)**

Set up in 1999, the main goal of the LRMC is to conduct research on land matters which can then be disseminated and used as the basis for advocacy work to improve land administration and management in the country. They have received support from the Bill and Melinda Gates Foundation as well as the International Institute for Environment and Development (IIED) for their work.

#### **Regional Advisory Information and Network Systems (RAINS)**

**[www.rainsgha.org](http://www.rainsgha.org)**

Based in the more deprived Northern sector of Ghana, the Regional Advisory Information and Network Systems was set up in 1996 to work systematically towards the improvement in the life circumstances of Ghanaians in the more deprived parts of the country. They work primarily in the areas of reproductive health, child labour and rural livelihood enhancement.

#### **Women in Law and Development in Africa (WILDAF)**

**[www.wildaf.org](http://www.wildaf.org)**

Women in Law and Development in Africa (WILDAF) is a pan-African network of women's rights advocates that was set up after a meeting in Zimbabwe in 1991 to discuss issues of law and development affecting women. The Ghana office represents one of 26 offices across the continent. The mission of each office is to work to promote the rights of women. As a network of primarily lawyers, a major tool of empowerment that they use is legal literacy. WILDAF has received support from OXFAM Ghana in the past to carry out its work.

## **9. CONCLUSIONS**

The evidence from our fieldwork shows clearly that procedural justice is rare in the Ghanaian context. If it does exist, traditional authorities may include other males (the elders) but rarely women. By extension, distributive justice especially for women is rare. Rewards for the transfer of land often accrue to the male figure heads in these communities. Aware of these discrepancies, various civil society organisations, both local and international in collaboration with communities, have sought ways of improving procedural justice. This includes the increased involvement of women in the traditional decision making structures, the creation of alternative decision making structures for land sales that are inclusive of women and men, the holding of land rallies regarding land sales which involves entire communities and the adoption of contracts between landholders and tenants.

In the case of the four selected communities in Ghana (Tenbibiam, Obaampeohia, Adorvi, Kasunya), however, strategic inaction (Green 1999) is the option that communities have chosen. As Yaro (2013)

has pointed out, the logic underpinning communal land rights has changed in the face of the increasing commoditization of land. In this new context, the old protest norms that communities used to keep their elders in check such as protest songs or threats of female nakedness are no longer relevant and yet, new protest movements have not quite emerged to deal with the new situation. Given these circumstances, the communities consider the costs and benefits of protest and determine that inaction is the best strategy.

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## 11. Appendix I: Research Instruments

### **Interview Guide for Government Officials (Officials at Regional Lands Commission/District Land Secretariat)**

#### **OBJECTIVES**

- To identify the various accountability mechanisms that currently govern the actors, instruments and processes involved in LSLAs.
  - To investigate the ways accountability mechanisms in place in various communities respond to the impact of LSLAs on women more specifically.
1. Designation of Interviewee
  2. What roles do your institution play in the process of land acquisition in this area? (probe roles in various stages such as initial contact, negotiation, legalising the agreement etc?)
  3. What are the constitutional provisions/laws stipulating your roles in this process?
  4. Who are the various actors you are expected to work with in carrying out your role?
  5. What legal mechanisms/constitutional provisions detail these?
  6. To what extent are you able to carry out your duties as stipulated by law?
  7. What are the various impediments that you face?
  8. Who are the various actors who stand to lose if you carry out your duties to the letter?
  9. In what ways do they stand to lose?
  10. What has been your own experience with land acquisition in this area both in terms of process and actors involved?
  11. What have been the fallouts of these transactions?
  12. Which groups of people have gained/lost from this transaction (probe migrants, indigenes, the elderly, the youth, males, females, specific religious groupings, specific families, any others) and why? And how?

### **Interview Guide for Civil Society Actors**

#### **OBJECTIVES**

- To identify the various accountability mechanisms that currently govern the actors, instruments and processes involved in LSLAs.
  - To investigate the ways accountability mechanisms in place in various communities respond to the impact of LSLAs on women more specifically.
1. What kinds of activities are you engaged in in relation to land acquisitions in the country?
  2. What prompted your interest in land matters (probe both local and international factors)?
  3. In what specific communities have you worked?
  4. For how long have you been working in these various communities?
  5. How have you chosen the communities in which to work (probe initiators of this level of engagement)?
  6. To what extent have you been successful in your work?

7. What measures are you using to define your success (probe issues of particularly horizontal accountability and the various groupings to which accountability was sought)?
8. What in your opinion accounts for your success or lack thereof?
9. How has your work benefited women?

### **Interview Guide for Chiefs**

#### **OBJECTIVES**

- To identify the various accountability mechanisms that currently govern the actors, instruments and processes involved in LSLAs.
  - To investigate the ways accountability mechanisms in place in various communities respond to the impact of LSLAs on women more specifically.
1. How much land has been leased in this community?
  2. To whom has these lands been leased?
  3. For what purpose has these lands been leased?
  4. For how much were these lands leased?
  5. What factors did you consider in determining how much to value your lands?
  6. Who initiated the land transaction (probe exact characteristics of comprador elite)?
  7. What procedures did you follow in coming to an agreement over the terms of the lease?
  8. Who were the various actors involved in the land transfer process (probe migrants, indigenes, the elderly, the youth, males, females, specific religious groupings, specific families, any others)?
  9. What factors determined who was/was not involved?
  10. How were the proceeds divided? Why were they divided in this way?
  11. Has there been any conflict in the community over the land transfer?
  12. Who are the aggrieved?
  13. What is the basis of their grievances?
  14. What actions, if any, have been taken to redress these grievances?

### **Interview Guide for Foreign Investors**

#### **OBJECTIVES**

- To identify the various accountability mechanisms that currently govern the actors, instruments and processes involved in LSLAs.
  - To investigate the ways accountability mechanisms in place in various communities respond to the impact of LSLAs on women more specifically.
1. Who introduced you to this community (probe nature of relationship with investor and comprador elite)?
  2. How much land have you acquired in this community?
  3. For what purpose was the land acquired?
  4. How much did you pay for the land?
  5. What kinds of negotiations took place to arrive at that figure?
  6. Who were the actors involved in these negotiations?

7. Did you think this amount was fair?
8. What is the basis for your belief (probe issues of horizontal accountability and particular groups invoked here)?
9. Since the transaction was signed, have there been any fallouts?
10. From whom has this come?
11. What, if any, has been your response to all of this?

### **FGD with Male/Female Community Members<sup>5</sup>**

#### **OBJECTIVES**

- To explore the extent to which men and women view the various actors and processes involved in LSLAs as legitimate.
  - To understand the strategies and instruments that women deploy to demand accountability in LSLA transactions.
  - To examine the extent to which women's attempts to demand accountability are successful.
1. When did you first hear about the land transaction in your community?
  2. From whom did you hear about it?
  3. Who were involved in the transactions?
  4. In your opinion, did these actors have the right to act on your behalf in this matter?
  5. Why/why not?
  6. Who else, in your opinion, should have been involved in the transactions?
  7. Why, in your opinion, were they excluded?
  8. Who was using the land prior to its transfer to the investor?
  9. What has become of them?
  10. Were you satisfied with the terms of the transaction negotiated on your behalf as a community?
  11. Why/why not?
  12. How has the land transaction affected your access to forests, the commons, agricultural land etc?
  13. What attempts have you made to bring your dissatisfaction (both in terms of actors involved, terms of transactions, access etc) to the attention of the authorities?
  14. How successful/unsuccessful have you been?
  15. What, in your opinion, accounts for your success or lack thereof?

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<sup>5</sup> We documented the socio-demographic characteristics of each respondent in a FGD. Questions will include age, gender, education level, occupation, ethnicity