



Interrogating Large Scale Land Acquisition and Its Implication on Women in Sub-Saharan Africa: A Case Study of Ghana

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Abstract

Large scale large acquisitions have become increasingly common across Africa. This paper draws on two case studies of large scale large acquisitions in Ghana to examine how the practice affects communities in general, and women in particular. It explains that while there have been some benefits of these acquisitions, the costs to communities mostly outweigh the benefits. Women are particularly impacted by this practice as their livelihoods are affected and they are excluded from the proceeds of land transactions. The paper concludes with a discussion of the actions that state agencies, nongovernmental organizations, and communities have taken to address the negative impact of large scale land acquisition on women and their communities.

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Introduction

Ghana has a long history of conflict over land. The country operates a dual system of land administration otherwise known as a system of legal pluralism. The acquisition and disposal of various land rights are managed by a statutory and customary land tenure system. As land has become commoditized, the traditional rules and regulations governing land acquisition have sometimes been violated. In 2010 alone, 56 million hectares of land was acquired globally and 29 million of these took place in sub-Saharan Africa (Deininger & Byerlee, 2011). Foreign interest in Ghanaian lands has produced a new set of conflicts and tensions. The custodians of the majority of land in Ghana operate under a different logic than the foreign investors. While the custodians of the land treat verbal contracts as just as valid 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 & 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 19 percent of GDP (Ghana Statistical Service, 2015) and employing 44.7 percent of the economically active population as of 2014 (Ghana Statistical Service, 2014). Seventy-five percent of men and 67.9% percent of women in rural areas rely on agriculture as their main employment activity (Ghana Statistical Service, 2014). Smallholder farmers are responsible for a significant proportion of the food produced for local consumption. The majority of these farmers 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 (Tsikata & 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).

This study, therefore, seeks to investigate how and under what conditions women can be empowered to effectively participate in the processes of large scale land acquisitions (LSLA) to ensure better accountability and legitimacy in land governance in sub-Saharan Africa. This paper investigates the extent to which the practices of customary systems and the state undermine women and men's access to procedural and distributive justice. It also documents the more and less successful efforts of civil society organizations at the state and community levels to enhance participatory principles in land governance transactions in Ghana. In the rest of this paper, we proceed with a discussion of the larger body of work on the growth of large scale land acquisitions, as well as a discussion of our research methods. We then present our findings in three main sections: the first section describes the two firms whose large scale land acquisitions serve as the basis for our investigations; the second section explores the ways in which the land transactions that have taken place have undermined citizens' access to procedural and distributive justice; and the final section explores the ways in which citizens as well as civil society organizations have responded to these injustices.

The Growth of 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 & 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 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, Deininger (2011: 218) points out that this amounted to more than twenty years of previous land acquisition in Africa. The existing evidence in Ghana shows that so far, there have been 28 land deals in Ghana. For the 13 deals for which data is available, the total land ceded in these deals amounts to 402, 941 hectares, representing 1.9% of land available for agriculture in the country (Cotula et al., 2014: 907). Large scale land acquisitions have been established in almost all 10 regions of the country (Boamah, 2011:159). These acquisitions have been both for agricultural purposes, such as a 1,363 acre organic mango plantation (Yaro & Tsikata, 2013) a 1,200 hectare rice plantation (Tsikata & Yaro, 2011), and for 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 & 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 sector, 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 cultivation (Cotula & Vermeulen, 2009; Von Braun & 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 (Cotula & Vermeulen, 2009; Chasukwa, 2013). Private sector deals are often conducted internationally. These investors come from a wide range of countries in both the Northern and Southern Hemispheres, including Norway (Boamah, 2011), China (Hofman & Ho, 2012) and South Africa (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 regard to the benefits and/or detriments of these acquisitions for local populations.

The Optimistic Perspective on Large Scale Land Acquisitions

The optimists include 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; and 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 conducted a study of the BioFuel Africa Jatropha biodiesel Project in the Yendi District of Ghana, presents empirical evidence in support of the optimistic view. 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 Limited, improved household food security in the three villages whose livelihoods depended on the land areas acquired” (Boamah 2011: 175). Furthermore, 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” (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.

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 can occur, the international community has established a need for the drafting of legal contracts that are preceded by a consultative process (Nolte & Vogel-Kleschin, 2014). Before the land transactions can be formalized, consultation must have culminated in the granting, by the local populations, of free, prior and informed consent (FPIC) (Vermeulen & Cotula, 2010; Nolte & Vogel-Kleschin, 2014).

Nonetheless, this important element, meant to help safeguard the land rights of customary users and to inform investors about the needs and desires of local populations, is often summarily bypassed. As Vermeulen and Cotula (2010) observed in their 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, in 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 & Vogel-Kleschin, 2014).

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 (Schoneveld et al., 2011; Nonfodji, 2013; Wilson, 2013). 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 (Schoneveld et al., 2011; Morgan, 2013; Nonfodji, 2013; Vath, 2013). In fact, to investors, the lack of legal ownership indicates vacant lands, optimal for large-scale acquisition (Morgan, 2013). 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.

Deininger (2011) has clearly demonstrated 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 transnational corporations (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 led to the dispossession of the surrounding populations, who relied on the land for cultural and economic purposes.

Further, 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 & 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 acre of land in parts of Accra, the capital city. To make matters worse, these paltry sums of money do not necessarily go to the families whose lands are being leased. In fact, in some cases, such families are not even privy to the fact that negotiations over their lands are taking place, much less having a say in how much monies are collected in exchange for the land (Schoneveld et al., 2011).

The acquisition of lands and the ensuing dispossession take various forms. While in some places, such as Brazil, it resulted in a significant rural exodus, elsewhere it altered the economic patterns of communities (Schoneveld et al., 2011; Tsikata & Yaro, 2011; Lerrer & Wilkinson, 2013). In Ghana, for example, the land deals affected local livelihoods in multiple ways: 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 (Von Braun & Meinzer-Dick, 2009; Schoneveld et al., 2011; Tsikata & Yaro, 2011; Vath 2013).

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, for several reasons. First, there is 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 (Rossi & Lambrou, 2008; Alden Wily, 2011). Behrman et al. note that women are much “more likely to be affected directly by the loss of firewood, water and medicinal plants” when common property resources are privatised (2012: 52). Second, women are less likely to be compensated for land lost even when their estate is considered worthy of recompense. For example, in a study in Mafi Dove, in the southern part of Ghana, 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 & Yaro, 2011). Third, women are less likely to be recruited as farmhands when investors take over their community lands (Schoneveld et al., 2011).

As evidenced by 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 (Behrman et al., 2012; Nolte & Voget-Kleschin 2014). However, these aforementioned categories are entirely male-dominated and the men are typically unaware of or uninterested in addressing the particular issues affecting women and their own land tenure (Vermeulen & Cotula, 2010; Behrman et al., 2012).

Beyond the consultation stage, women are disproportionately affected by LSLA due to their lands often being considered marginal and compensatory payments being allocated to male heads of household (Schoneveld et al., 2011; Behrman et al., 2012). Both the transition of these marginal lands from the control of women to men, and the male control over compensation, have serious implications for the livelihood of families. 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 (Tsikata & Yaro, 2011; Behrman et al., 2012; Morgan, 2013). 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 (Tsikata & Yaro, 2011; Morgan, 2013).

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 & 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 & Yaro 2011). Based on these consequences suffered by marginal groups, whether they be women or migrant populations, Nolte and Voget-Kleschin (2014) 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, some scholars have called for reforms. In discussing biofuel-related land investments, for example, 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 (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 is the Customary Land Secretariats (Quin et al., 2008). These Secretariats have the authority to act as a check on traditional rulers and local elites to avoid speculation, entrenchment and power abuses (Quin et al., 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 & Yaro, 2011). In many cases, the interests of communities do not align with those of the traditional rulers and councils in whom negotiating power is entrusted, and the latter often receive benefits, in the form of monetary payments and land, in exchange for signing away the rights to their people's lands (Schoneveld et al., 2011; Tsikata & Yaro, 2011; Vath, 2013).

Furthermore, while they may not always be acting in bad faith, some traditional rulers lack the technical competence to fully understand the contracts investors are encouraging them to sign (Nyari, 2008; 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; Makombe, 2013). Therefore, while governments still view agriculture as a potential source of jobs, 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 & Wilkinson, 2013). And even if agribusinesses do provide jobs, the jobs are often underpaid and lacking in security of tenure (Makombe, 2013; Vath, 2013). In addition, the World Bank's claims that LSLA fosters "transitions out of agriculture for rural populations" are dismissed by scholars who argue 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 is not directed specifically towards those whose lands were acquired, and also serves to further exacerbate rural class differences (Schoneveld et al., 2011; Tsikata & Yaro, 2011; Wilson, 2013).

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 (Amanor, 2009; Boche & Anseeuw, 2013; Morgan, 2013). LSLAs have led to situations where agrarian businesses are controlled by foreign agricultural corporations and financial investors (Boche & Anseeuw, 2013). Land 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 & 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 cultivation 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 (Von Braun & Meinzer-Dick, 2009; Schoneveld et al., 2011; Behrman et al., 2012). 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 (Cotula et al., 2008; Von Braun & Meinzer-Dick, 2009; Lerrer & Wilkinson, 2013). 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 & Yaro, 2011). These three aforementioned activities are generally performed by women and therefore provide yet another example of LSLA's particularly harmful effects on women (Tsikata & Yaro, 2011; Behrman et al., 2012). Finally, the methods associated with industrialized farming, namely the use of chemical fertilizers, often lead to soil degradation, increased salinity, erosion and waterlogging (Von Braun & Meinzer-Dick, 2009; Morgan, 2013).

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 (Cotula et al., 2008; Von Braun & Meinzer-Dick, 2009; Tsikata & Yaro, 2011; Chasukwa, 2013; Nonfodji, 2013). 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). Vermeulen and Cotula (2010) show that in Africa rising population growth and climate change further compound these factors.

These and other 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 large scale land acquisitions and poverty. In fact, various papers depict LSLA as perpetuating and aggravating poverty rather than ameliorating it (Li, 2011; Schoneveld et al., 2011; Makombe, 2013; Welch, 2013; Wilson, 2013). 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 they 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, which are favoured in contractual agreements and legislative affairs by connections and influence over local elites (Von Braun & Meinzer-Dick, 2009; Boche & Anseeuw, 2013). Additionally, the argument goes, smallholder farms' small size has led to their marginalization in domestic markets and insufficient funds to enter international trade or to be eligible for significant credit opportunities (Boche & Anseeuw, 2013).

However, research findings tell a different story. 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 (Amanor, 2009; Cotula & Vermeulen, 2010; Cramb, 2013). This has proved to be especially true in regard 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 Mamonova (2013) studied in the Ukraine, social movements opposing LSLA can be at odds with local peasants, whose support for or resistance to 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 (Vermeulen & Cotula 2010; Cramb 2013). 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 toward informal methods such as the organization of protests (Morgan, 2013; Wilson, 2013). In contrast 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. While some are successful and lead to renegotiations (Wisborg, 2012) or abrogations of contracts (Nyari, 2008), others are not so successful.

Research Methods

This study was a qualitative project designed to explore the nature of land transactions, their implications for communities and the responses of these communities to the impacts of the transactions. We relied on three qualitative research methods: interviews, focus group discussions, and participant observation. We conducted our in-depth interviews with several groups of people: investors and their representatives (Premier Fruits and Glomart Farms), female and male employees of Glomart Farms, public officials, and civil society organizations working on land issues. We conducted focus group discussions with traditional authority leaders: landowning families in Tenbibiam, Greater Accra Region; chief and elders of Otaten, Greater Accra Region; and traditional leaders in Kasunya, Eastern Region. We also held focus group discussions with: members of a migrant community in Tenbibiam who took Glomart farms to court; community members in Obaampeohia, Greater Accra Region; community members in Adorvi, Greater Accra Region; and elderly women in Kasunya, Eastern Region. In addition to interviews and focus group discussions, we observed pineapple maintenance (Glomart Farms) and pineapple sorting, packaging, and storage practices (Premier Fruits and Glomart Farms).

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 organizing 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.

THE CASE STUDIES

Case Study 1: Premier Fruits Limited

Premier Fruits Limited is part of a French company founded in 1939. The mother company has operations in four other African countries: Cameroon, Ivory Coast, Morocco, and Senegal. Premier Fruits was incorporated in Ghana in 2003 and since then, the company has invested 45 million Euros into its operations in Ghana. Premier Fruits 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%). Premier Fruits 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; 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 from the Tettehman family, which had already registered the land as far back as the 1960s. 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.

Premier Fruits' Banana Plantation

The 1200-hectare banana plantation in the Eastern Region of Ghana 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 on two accounts: (1) Women were not (formally) working before and (2) Women were having to work late in the beginning because they were slow at the process, so men worried and claimed that sexual relations with other men on the plantation was the main reason why they were being kept late at work. Conflict began 18 months after inception, when harvesting had 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 children.

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

Premier Fruits' 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 usual 50 years, so that children of those who first registered the land could also benefit from the renegotiations. This 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 verified the availability of the land, after which a right of entry ceremony was held to ensure that everybody knew what was going on.

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 family tree for each family that gave up land has been 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.

Corporate social responsibility measures 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.

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 working at the Nsawam Cannery as his year of National Service 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 is 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 largest 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 they engage in harvesting, weeding, and 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 toured 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 be female.

The farm was fair trade 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 to the neighboring communities. The workers received scholarships for their wards who made it to

senior secondary school and beyond as well as a 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:

- The construction of a three-classroom kindergarten block
- The conversion of a pavilion at Akotata into a proper segmented classroom building.
- The renovation of a clinic in the village of Obom (provision of furniture, bedding, television sets)
- The construction of boreholes for the communities
- The refurbishment of the maternity wing of one clinic
- The provision of school jerseys and balls for soccer team at Kofikwei School
- Transportation 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.

Formal/Informal Rules/Mechanisms Underpinning Land Transactions in the Ghanaian Context

As already mentioned, Ghana operates a dual system of land administration: 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 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 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, but only through their husbands, fathers or maternal uncles. Thus, depending on the largesse of the men in her life, a woman's interests in land may be granted.

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 have 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, often to the detriment of the vulnerable in society. The state has, however, been making efforts to address this situation.

With funding from the UK's Department of International Development, the Land Administration Project (LAP) began to set up Customary Land Secretariats (CLS) in 2003. 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 (Quan et al., 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, if any, intervention on the part of the state.

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 shows that downward accountability is rare in large scale land acquisitions (Schoneveld et al., 2011; Tsikata & 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. In fact, 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 very 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 led him to believe. 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 were male, and exclude female family/community members. In the Eastern Region community we investigated, when we asked 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."¹ and "I wish they had involved us."²

While family members and the community were largely ignored in the land transactions that had taken place, one can argue that this was happening in spite 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, they are little protected by customary norms. Land is leased out to them so long as indigenes have no need for it. As and when indigenes find 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 offered 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 breaching 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

¹ Participant #8, Focus Group Discussion held in Kasunya on August 11th, 2014

² Participant #6, Focus Group Discussion held in Kasunya on August 11th, 2014

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 percent 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 (e.g., health posts, schools, improved toilets – the Kumasi Ventilated Improved Pit, roads, electricity, and 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 without knowing 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 in-depth 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 asked about it. Thus, while the community members were 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 require 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 company, suggested that in the past they had allowed settlers to remain on the farm land they bought. As the farm manager put it, “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 the site to confirm whether or their houses had indeed 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 the firm to spend money going to court and the settlers to spend money they barely had on a court case that they lost.

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 de-peasantized; and adequate corporate social responsibility. 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 acre of land goes for anywhere between a minimum of US \$2,000 and upwards of US \$50,000 for a 99-year lease. Estimates for farmland in one case, however, suggests a payment of roughly \$250 per acre for a 25-year period. The lump sum paid to roughly 10 elderly men representing a family amounted to a sum of roughly \$2500 per male family member for the 25-year 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 electronics. 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

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.

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 were paid 600 Ghana cedis a month (roughly \$200 a month); junior facilitators were paid 400 Ghana cedis a month (roughly \$130 a month) and the minimum wage was 8.80 Ghana cedis a month (roughly \$3 a day). Workers were barely able to subsist on these incomes. The one worker we interacted with at the Premier Fruits pineapple farm, who had worked in the pack house for a decade, conceded that without his father's providing him a motorbike for transportation and his wife taking care of their daily subsistence needs, he would not be able to survive on the income he makes.

In the focus group discussions, 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 they received, their children 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 was 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 (e.g., 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.

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 participants pointed to the myriad of problems that had befallen them, only 7 could identify benefits that had accrued to them with the transfer of lands to the large agro-export firm. Participants alluded to four major costs and three benefits.

The first major source of concern for this community was the health impact of the plantation and 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 the tropical climate of Ghana. The result then was a high incidence of malaria so far as participants were concerned. The poor quality of the water was expressed in the following manner: "...provided us with water, but it is salty."³ Another participant noted, "We don't have water so we use pure water [packaged 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."⁴ Yet another remarked, "The water is salty and smells."⁵ One participant offered a slightly different opinion when she noted that, "as for me when I finish bathing, my whole body begins to itch. Before the banana company came, we were not having any problems with our water."⁶

The second most common source of concern for participants was the loss of lands and the lack of compensation. One participant alluded to dispossession in the following words, "We were pushed by some other people from where we used to do small farming."⁷ This participant went on to opine, "No, we were not compensated."⁸ In the words of one other participant, "we want our chiefs to give us some of the money..."⁹

A third source of discomfort with the land transaction lay in the implications for productive activities. One participant noted that, "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."¹⁰ Similarly, another opined, "now, we buy firewood, unlike at first when we could just go picking them around."¹¹

Finally, participants raised the issue of the loss of traditional remedies for ailments. One participant noted that, "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."¹²

The three benefits the participants referred to were: 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. Participants in the focus group discussion shared their sentiments regarding employment in the following manner: notes "Our brothers and sisters have been employed"¹³ and another pointed out that "...Our children too have been employed."¹⁴ The implications of enhanced employment opportunities for the larger community were noted by this same participant, who stated that "Economic activities have been enhanced. Whatever we sell, people

³ Participant #4, Focus Group Discussion in Kasunya on August 11th, 2014

⁴ Participant #5, Focus Group Discussion in Kasunya on August 11th, 2014

⁵ Participant #9, Focus Group Discussion in Kasunya on August 11th, 2014

⁶ Participant #12, Focus Group Discussion in Kasunya on August 11th, 2014

⁷ Participant #10, Focus Group Discussion in Kasunya on August 11th, 2014

⁸ Participant #10, Focus Group Discussion in Kasunya on August 11th, 2014

⁹ Participant #9, Focus Group Discussion in Kasunya on August 11th, 2014

¹⁰ Participant #2, Focus Group Discussion in Kasunya on August 11th, 2014

¹¹ Participant #4, Focus Group Discussion in Kasunya on August 11th, 2014

¹² Participant #1, Focus Group Discussion in Kasunya on August 11th, 2014

¹³ Participant #4, Focus Group Discussion in Kasunya on August 11th, 2014

¹⁴ Participant #11, Focus Group Discussion in Kasunya on August 11th, 2014

buy..."¹⁵ With respect to infrastructure, one participant noted that, "As for the light, they have provided [it]."¹⁶ Some examples of infrastructure inured to the benefit of communities at large, such as the provision of potable water and electricity, while others, such as the provision of a palace/family house, benefited only the royal household.

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 (Van Allen, 1972; Mba, 1982) and more recently the Liberian Women's use of threats of nakedness to persuade the rebels to come to an agreement as illustrated in the documentary "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 Dagaaba of Upper West Ghana, Saighoe (1997) documents protest songs known as bewaa songs.

In the cases we have studied, however, 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 general sense 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. Given this new context, a state of anomie seems to have been created. New rules of protest have not been created to deal with the new reality of commoditization 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 conceptualize this as passivity on the part of such individuals. 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.

¹⁵ Participant #11, Focus Group Discussion in Kasunya on August 11th, 2014

¹⁶ Participant #12, Focus Group Discussion in Kasunya on August 11th, 2014

Addressing the patriarchal logic underpinning land transactions in rural communities in Ghana

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. In fact, 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, detailing 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 Women in Law and Development in Africa (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 and uses a two-pronged strategy 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 in sensitizing community members about their property inheritance rights, among others. Linked to this approach are 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.

On-the-ground assistance for resolving land transfer disputes is not only offered by 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 to 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 indigenous 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 organizations 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 arises. The LRMC has 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 in order 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 Organizations Working on Women's Land Rights in Ghana

Civil Society Coalition on Land (CICOL)

Website: www.landcoalition.org/en/regions/africa/member/cicol

CICOL is a network of nongovernmental organizations, civil society organizations 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 organizations 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 come up, because they realized 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)**Website: ngo.colandef.org**

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**Website: www.ifsan.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 Organization 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)**Website: www.african-initiatives.org.uk/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 3000 women. They are well known across the African 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)**Website: 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 for their work from the Bill and Melinda Gates Foundation as well as the International Institute for Environment and Development (IIED).

Regional Advisory Information and Network Systems (RAINS)**Website: 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 labor and rural livelihood enhancement.

Women in Law and Development in Africa (WILDAF)**Website: 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.

CONCLUSIONS

The evidence from our fieldwork clearly shows 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 is rare, especially for women. Rewards for the transfer of land often accrue to the male figure heads in these communities. Aware of these discrepancies, various local and international civil society organizations, 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 five selected communities in Ghana, 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.

References

- Agbosu, L., Awumbila, M., Dowuona-Hammond, C., & Tsikata, D. (2007). *Customary and Statutory Land Tenure and Land Policy in Ghana*. ISSER Technical Publication, No. 70.
- Agbosu, L. K. (2000). *Land law in Ghana: Contradiction between Anglo-American and customary conceptions of tenure and practices*. Land Tenure Center, University of Wisconsin-Madison.
- Alden-Wily, L. (2011). 'The Law is to Blame': The Vulnerable Status of Common Property Rights in Sub-Saharan Africa. *Development and change*, 42 (3), 733-757.
- Amanor, K, S. (2009). Global Food Chains, African Smallholders and World Bank Governance. *A Journal of Agrarian Change* 9 (2), 247-262.
- Apusigah, A, A. (2009). The Gendered Politics of Farm Household Production and the Shaping of Women's Livelihoods in Northern Ghana. *Feminist Africa* 12, 51-68.
- Attride-Stirling, J. (2001). Thematic Networks: An Analytical Tool for Qualitative Research. *Qualitative Research* 1 (3), 385-405.
- Bebbington, A. (1999). Capitals and Capabilities: A Framework for Analyzing Peasant Viability, Rural Livelihoods and Poverty. *World Development* 27 (12), 2021-2024.
- Behrman, J., Meinzen-Dick, R., & Quisumbing, A. (2012). The Gender Implications of Large-Scale Land Deals. *Journal of Peasant Studies* 39 (1), 49-79.
- Boamah, F. (2011) Competition between Biofuel and Food: Evidence from a Jatropha Biodiesel Project in Northern Ghana. In Matondi, P. B., Havnevik, K & Beyene, A (Eds). *Biofuels, Land Grabbing and Food Security in Africa*. Uppsala: Nordic Africa Institute, Pp.159-175.
- Boche, M., & Anseeuw, W. (2013). *Unraveling Land Grabbing: Different models of large-scale land acquisition in Southern Africa*. LDPI Working paper, No 46, Cape Town, Land Deal Politics Initiative.
- Chasukwa, M. (2013). An Investigation of the Political Economy of Land Grabs in Malawi – The Case of Kasinthula Cane Growers Limited (KCGL). LDPI Working paper, No 30, Cape Town, Land Deal Politics Initiative.
- Cotula, L., Dyer, N., & Vermeulen, S. (2008). *Fuelling Exclusion?: The Biofuels Boom and Poor People's Access to Land*. London: International Institute of Environment and Development.

- Cotula, L., Vermeulen, S., Leonard R., & Keeley, J. (2009). *Land Grab or Development Opportunity: Agricultural Investment and International Land Deals in Africa*. London: International Institute of Environment and Development.
- Cotula, L., & Vermeulen, S. (2009). Deal or no deal: The Outlook for Agricultural Land Investment in Africa, *International Affairs* 85 (6), 1233–1247.
- Cotula, L., Oya, C., Codjoe, E. A., Eid, A., Kakraba-Ampeh, M., Keeley, J., ... & Asare, R. O. (2014). Testing claims about large land deals in Africa: Findings from a multi-country study. *Journal of Development Studies*, 50 (7), 903-925.
- Cramb, R. (2013). A Malaysian Land Grab? The Political Economy of Large-Scale Oil Palm Development in Sarawak. LDPI Working paper, No 50, Cape Town, Land Deal Politics Initiative.
- Daniel, S., & Mittal, A. (2009). *The Great Land Grab. Rush for world's farmlands threatens food security for the poor*. California: The Oakland Institute.
- Deininger, K. (2011). Challenges Posed by the New Wave of Farmland Investment. *Journal of Peasant Studies* 38 (2), 217–247.
- Deininger, K., & Byerlee, D. (2011). *Rising global interest in farmland: can it yield sustainable and equitable benefits?*. World Bank Publications.
- Doss, C. R. (2002). Men's Crops? Women's Crops? The Gender Patterns of Cropping in Ghana. *World Development* 30 (11), 1987-2000.
- Dowuona-Hammond, C. (2003). State land management regime: impact on land rights of women and the poor in Ghana. Eschborn, Germany: GTZ.
- Ghana Statistical Service. (2014). Ghana Living Standards Survey VI. Accra: Ghana Statistical Service.
- Ghana Statistical Service. (2015). Annual Gross Domestic Product. Accra: Ghana Statistical Service.
- Green, D. (1999). Gender violence in Africa: African women's responses. *Nova Iorque, St. Martin's Press*.
- Hofman, I., & Ho, P. (2012). 'China's 'Developmental Outsourcing': A critical examination of Chinese global 'land grabs' discourse'. *Journal of Peasant Studies* 39 (1), 1-48.
- Kotey, N. A. (1995). Land and Tree Tenure and Rural Development Forestry in Northern Ghana. *University of Ghana Law Journal* 19, 102-132.

- Lerrer, D., & Wilkinson, J. (2013). *Impact of Restrictive Legislation and Popular Opposition Movements on Foreign Land Investments in Brazil – The Case of the Forestry and Pulp Paper Sector and Stora Enso*. LDPI Working paper, No 45, Cape Town, Land Deal Politics Initiative.
- Li, T. M. (2011). Centering labor in the land grab debate. *The Journal of Peasant Studies*, 38 (2), 281-298.
- Makombe, E. K. (2013). *I would rather have my land back – Subaltern Voices and Corporate/State Land Grab in the Save Valley*. LDPI Working paper, No 20, Cape Town, Land Deal Politics Initiative.
- Mamonova, N. (2015). Resistance or adaptation? Ukrainian peasants' responses to large-scale land acquisitions. *Journal of Peasant Studies*, 42(3-4), 607-634.
- Matondi, P. B., Havnevik, K., & Beyene, A. (2011). 'Introduction: Biofuels, Land Grabbing and Food Security in Africa,' in Matondi, Prosper. B., Havnevik, Kjell and Atakilte Beyene, eds. *Biofuels, Land Grabbing and Food Security in Africa*. Uppsala: Nordic Africa Institute. Pp. 1-19.
- Mba, N. E. (1982). *Nigerian women mobilized: Women's political activity in Southern Nigeria, 1900-1965*. Univ of California.
- Morgan, M. (2013). *Women, Gender and Protest Emergence – Contesting Oil Palm Plantation Expansion in Sambas District, Indonesia*. LDPI Working paper, No 49, Cape Town, Land Deal Politics Initiative.
- Nolte, K., & Voget-Kleschin, L. (2014). Consultation in large-scale land acquisitions: An evaluation of three cases in Mali. *World Development*, 64, 654-668.
- Nonfodji, P. (2013). *Small Farm Holders' Response to the Global Land Deals in Benin – The role of international solidarity linkages*. LDPI Working paper, No 41, Cape Town, Land Deal Politics Initiative.
- Nyari, B. (2008). Biofuel land grabbing in Northern Ghana. Report by Regional Advisory and Information Network Systems (RAINS), available at biofuelwatch.org.uk
- Obbo, B. (2012). Land grabbing: Trampling human rights in Uganda. Friends of the Earth International Newsletter, 04 April, available at <http://www.foei.org/news/land-grabbing-trampling-human-rights-in-uganda>
- Quin, J., Ubink, J., & Antwi, A. (2008). Risks and Opportunities of State Intervention in Customary Land Management: Emergent Findings from the Land Administration Project Ghana, In Ubink, J & Amanor, K (Eds). *Contesting Land and Custom in Ghana: State, Chief and the Citizen*. Leiden: Leiden University Press. Pp. 183–208.

- Rossi, A., & Lambrou, Y. (2008). Gender and equity issues in liquid biofuels production. Minimizing the risks to maximize the opportunities. Rome, Italy: FAO.
- Rukuni, M., Tawonezvi, P., Eicher C., Munyugi-Hungwe, M., & Matondi, P. (eds.). 2006. *Zimbabwe's Agricultural Revolution*. Harare: University of Zimbabwe Publications.
- Saighoe, F. A. K. (1997). Protest in West African Urban Popular Music. *Journal of Ghana Music Teachers' Association*, 2, 1-12.
- Schoneveld, G. C., German, L. A., & Nutakor, E. (2011). Land-based investments for rural development? A grounded analysis of the local impacts of biofuel feedstock plantations in Ghana. *Ecology and Society* 16 (4): 10-38.
- Tsikata, D., & Yaro, J. (2011). *Land Market Liberalization and Trans-National Commercial Land Deals in Ghana since the 1990s*. Land Deals and Policy Initiatives (LDPI). Paper presented at the International Conference on Global Land Grabbing I.
- Van Allen, J. (1972). "Sitting on a man": colonialism and the lost political institutions of Igbo women. *Canadian Journal of African Studies/La Revue canadienne des études africaines*, 6(2), 165-181.
- Vath, S. J. (2013) *Gaining neighbours or big losers -What happened when large-scale, land-based investment in the Ghanaian oil palm sector met the local population on the ground?* LDPI Working paper, No 24, Cape Town, Land Deal Politics Initiative.
- Vermeulen, S., & Cotula, L. (2010). Over the heads of local people: consultation, consent, and recompense in large-scale land deals for biofuels projects in Africa. *Journal of Peasant Studies* 37 (4), 899-916.
- Von Braun, J., & Meinzen-Dick, R. (2009). 'Land grabbing' by foreign investors in developing countries: Risks and opportunities. Policy Brief 13. April 2009. Washington DC: International Food Policy Research Institute.
- Welch, C. A. (2013). *Land Reforms and Land Grabs – Contemporary Conflicts in the Brazilian Land Struggle*. LDPI Working paper, No 44, Cape Town, Land Deal Politics Initiative.
- Wilson, B. (2013). *Reclaiming the Worker's Property – Coffee, Land Grabbing and Farmworker Resistance in Nicaragua*. LDPI Working paper, No 42, Cape Town, Land Deal Politics Initiative.
- Wisborg, P. 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, The World Bank, Washington D.C. April 23rd-26th.
- Woodhouse, P. (2012). New Investment, Old Challenges: Land Deals and the Water Constraint in African Agriculture. *Journal of Peasant Studies* 39 (4), 995-1016.

Yaro, J., & Tsikata, D. (2013). Savannah fires and local resistance to transnational land deals: the case of organic mango farming in Dipale, northern Ghana. *African Geographical Review* 32 (1), 72-87.

Yaro, J. A. (2013). Neoliberal globalisation and evolving local traditional institutions: implications for access to resources in rural northern Ghana. *Review of African Political Economy*, 40 (137), 410-427.

Zoomers, A. (2010). Globalisation and Foreignisation of Space: Seven Processes Driving the Current Global Land Grab. *Journal of Peasant Studies*. 37 (2), 429-447.