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**Exploring the implication of large-
scale land acquisition on human
rights in Ghana.**

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Abstract

Copious evidence exists on studies into large scale land acquisition (LSLA) in Ghana. The literature is replete with divergent findings that support both the pessimist views (land investments always hurt locals and drain development) and optimists views (land investments brings total development to communities). This study examined the literature on large scale land acquisition and human rights in Ghana, to provide a more detailed perspective into the issue, inform policy and practice and contribute to literature. The qualitative literature review approach, involving a desk study was employed. A host of key terms were developed to retrieve relevant materials which were sifted using inclusion and exclusion criteria. An appraisal tool was used to synthesise evidence from the final papers and presented in a thematic fashion. The study found continuous efforts by government to blend statutory and customary laws and practices in the management of public and private land ownership rights in Ghana and this has remained quite challenging in the discourse of LSLA. The inefficiency of this effort created weak linkages among the major institutions and stakeholders in large-scale agro-investments. All these effects are as a result of the insufficiencies in the country's land governance systems and partly caused by discrepancies between de jure and de facto procedures. The consequence is that land investment projects aimed at stimulating economic and social development, have resulted in dispossessions, injustices and environmental conflicts wherein indigenous communities have been deeply affected. Whereas employment and the social infrastructure provided by the firms sometimes help alleviate the plights of the communities – these were less significant compared to the deleterious impacts of the alienation from their lands. Overall, politically powerful chiefs have sought to re-assert their authority over land and the local population by allocating community land to investors, based on investors' demands rather than the priorities of the state. Among other things, it is recommended that efforts be made to improve the interconnectedness and synergy between the customary land institutions and the statutory institutions while re-engineering the customary voice in ownership and decision making regarding the use of community lands. These will help improve the outcomes of such land deals.

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Any omission in this brief acknowledgment does not mean a lack of gratitude,

Declaration

I, Edward Gyamfi Gyimah, declare that this thesis is the product of my own research and investigations. References have been listed in the reference section; sources other than my own are acknowledged. This work has not been submitted to any other university.

Signature.....

Date.....

Abbreviations and Acronyms

Lsla-large-scale land acquisition

Foa-food and agricultural organization

Un-united nations

Unctad-un conference on trade and development

Rai-responsible agricultural investments

Udhr-universal declaration on human rights

Iccpr-international covenant on civil and political rights

Gopdc-ghana oil palm development company

Mou-memorandum of understanding

Atc-agogo traditional council

Gh-ghana

Bal-biofuel africa limited

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CHAPTER 1

INTRODUCTION

1.1 Introduction

Land has been shown to have an inherent propensity to create wealth, to support growth and development along with poverty eradication, as evidenced by its interactions and mechanisms (Moreda, 2018; Makutsa, 2010), thereby making it one of the critical catalysts for meaningful and sustainable development. The land thus serves as an asset (Kok, Monkkonen & Quigley, 2014) on which livelihood strategies are developed for sustainable livelihood outcomes. This potential of land for wealth generation and livelihood sustainability makes it one of the primary factors for development. It transcends an economic asset and has a broader implication for wellbeing, particularly when viewed in the context of smallholder farmers, indigenous people, and pastoralists, for whom lands connote a way of life and therefore have a cultural worth. Beyond this, the land is likewise a political resource or a source of power that puts one in a position to challenge power relations that exists within the various hierarchies of society] (Borras & Franco, 2012).

It is imperative that governments build social infrastructure and amenities that foster social and economic wellbeing as well as preserve and restore the natural environment. In some countries of the world, government agencies are compelled to acquire vast areas of land to provide citizens with the development they desire. These acquisitions are intended to provide citizens with the infrastructure they require. Due to the power to compulsorily acquire land, original landowners often have their lives disrupted through forced sales of lands they did not intend to sell. According to Moreda (2018), despite the land being the primary resource of most rural people, the political contestation over the land leaves them vulnerable to large-scale land acquisitions. Such acquisitions are one of the avenues for large-scale land acquisition. The second large-scale land acquisition regime relates to private investors acquiring or leasing substantial tracts of land to produce food or biofuels, usually for export purposes. The goal of compulsory acquisition is to provide a compromise between private and public use of land, whereas the goal of LSLA is to capture public interest in trickle-down effects on a private scale (Lisk, 2013; Matondi, Havnevik & Beyene, 2011) to produce biofuels and food for export.

In the face of climate change concerns and food insecurity issues, LSLA has been viewed as a promising means to increase food production (Zoomers, 2010; Daniel & Mittal, 2009; Cotula et al., 2009). According to Matondi et al. (2011: 1), the rush for large parcels of land in the global south for agricultural purposes is called “green colonization” or “new land

colonization.” Despite the availability of large parcels of uninhabited or underused land on the continent, it has come under severe intrusion by such land deals (Makutsa, 2010; Rukuni et al., 2006). There has also been a strong correlation between weak land governance rights and management systems and the excessive demand for land in Sub-Saharan Africa (Woodhouse, 2012; Schoneveld, 2011). According to Matondi et al. (2011), this explains why 70% of sourcing lands in 2009 were in Africa. According to Deininger (2011), the scale of the land grab in Africa exceeds the land acquisitions made on the continent in the preceding two decades. In contrast, Lisk (2013) argues that land acquisitions in Africa are profit-driven and motivated by the desire to develop the continent. Several organizations, including the Food and Agriculture Organization [FAO] (2012) and Right and Resource Initiative (2014), contend that LSLA displaces residents from their homes and farmers from their fields. The impact of this may result in the deprivation of basic needs for the affected individuals (Kleemann & Thiele, 2015).

Ghana has recently emerged as a hub for large-scale land deals in Africa. Large tracts of land are being acquired for agricultural purposes (Quansah, Ansah & Mensah, 2020). Large tracts of land have been leased by a few foreign and local investors. These deals are characterized by the fact that foreign investors usually receive more land than local investors. This variance can be attributed primarily to the perception that multinational corporations have more capital than local investors, as well as technological advantages over domestic investors to execute such deals (Giddens, 1979 cited in Scoones, 1998). Additional financial incentives include the government granting a tax holiday for exports (tax exemptions) as well as a waiver for import duties (Rahmato, 2011; Tamrat, 2010). The evidence in Ghana shows that 28 large-scale land deals have taken place in Ghana during the past decade. According to Cotula et al., 2014: 907, the total area involved in 13 out of these 28 land deals accounted for 402 941 hectares or 1.9% of the country’s agricultural land. Boamah (2011) reports that LSLAs are present in all ten regions of the country. Both agricultural and biofuel purposes have been addressed with these acquisitions, including a 1275771.49-hectares jatropha and sugarcane plantation (Schoneveld et al., 2011) and a much smaller 10,600-hectare maize, jatropha, and vegetable plantation (Yaro & Tsikata, 2011).

Many scholars have argued that Africa has been positioned as a strategic player in globalization because of LSLA. Despite the potential to contribute significantly to poverty alleviation and macroeconomic indices from large-scale agriculture (von Braun & Meinzen-Dick, 2009, Cotula et al., 2009; Poulton et al., 2008), the process is being attacked for being a ‘neocolonial land grab’ by foreign corporations and governments (Hall et al., 2015). Much research has been

conducted in this area due to the ongoing LSLA. There have been several studies that examine aspects such as land acquisition contexts, impacts on the environment and community, and response mechanisms implemented to mitigate these impacts. Moreover, the investigations have drawn attention to the heterogeneity of the LSLA transactions that have taken place on the African continent [in terms of the investors and eventual uses of the lands]. The results of these studies also examine the optimistic and pessimistic viewpoints toward LSLA acquisitions.

Considering the potential and actual impacts of LSLA on agriculture, the proponents argue that ensuring accountability in such transactions provides immeasurable benefits to the host communities, their governments, and the investors (World Bank, 2010). In the opinion of the proponents, this is a win-win situation for both parties. For example, jobs, economic and social infrastructure, and increased food production (Woodhouse & Ganho, 2011; Vermeulen et al., 2010; Meinzen-Dick, 2009); overall rural development (Quansah, Ansah & Mensah, 2020; Danso, 2015); provision of social assets (Danso, 2015); human capital, improvement (Vermeulen et al., 2010) and the provision of financial resources (Wujenja & Wonani, 2012 cited in Quansah, Ansah & Mensah, 2020; Abbink, 2011; Vermeulen et al., 2010) represents some of the notable gains large scale land deals have brought in Ghana and the African continent at large. Furthermore, it is argued that these factors contributed to the food security of the communities involved in Jathrpha plantations, stating that such deals will lead to overall rural development and poverty eradication. Land deals are presumed to take lands from smallholder farmers to make large-scale investments; such investments trickle down to the farmers who give up the lands (Moreda, 2018; Berdegue, 2013).

Literature is replete with divergent views on the potential of these large-scale land deals. The skeptics premise their argument on the long-held assertion that hunger often persists amid the abundance and availability of large food supplies (Sen, 1981). This suggests that the capitalization of agriculture will not in itself put an end to global food insecurity by producing better welfare if the root causes of poverty within global agriculture are not addressed (Akram-Lodhi, 2008). Scholars like Moreda (2018) argue that such deals lack mechanisms to protect indigenous people's rights and livelihoods and often fail to factor in their interests and welfare. Additionally, these deals contributed to the feminization of poverty and vulnerability on the African continent. Robertson and Pinstруп-Andersen (2010) note that these deals are shrouded in secrecy and lack transparency, which can undermine the rights of locals. Growing concerns about the social and environmental impacts of these large-scale land deals in the name of food production have also been argued as an ill that surrounds such acquisitions (German,

Schoneveld & Mwangi, 2011). Although there has been widespread resistance to LSLAs in Africa, governments often see LSLAs as a win-win situation rather than an evil. Host communities benefit through employment, economic development, industrialization, and a greater sense of food security, among other benefits (World Bank, 2010). The LSLA is thus viewed as a tool for economic development (Zetterlund, 2013). Despite this, the global and national food security argument remains contested in its use to justify such deals. The ills that arise as a direct result of these deals, such as landlessness and loss of livelihood, directly oppose the win-win scenarios often envisaged in such agreements. Therefore, Moreda (2018) contends that large-scale agricultural investments both condition and pervert the realization of food security. In many instances, whether the host communities gain benefits will depend on the process involved and how well the local needs are factored into the process. Thus, LSLAs are both a development tool and a development obstacle (Zetterlund, 2013).

Further, the existence of legal pluralism creates room for dispute as far as land acquisitions are concerned. Land acquisition and administration are managed by customary and statutory institutions and arrangements. The commoditization of land in recent decades has led to a series of violations of traditional rules and regulations governing land acquisition (Darkwah, Medie & Gyekye-Jandoh, 2017). Inappropriate application of the rules and procedures often leaves the host communities vulnerable to exploitation since one of the reasons for the rush in land deals in Africa, and for that matter, Ghana, is the existence of weak land administration regimes (Woodhouse, 2012; Schoneveld, 2011; Deininger, 2011; Matondi et al., 2011). The breach of procedures often results in the loss of lands and the lack of compensation (Darkwah, Medie & Gyekye-Jandoh, 2017). In all these, the De Schutter [UN Special Rapporteur] on the right to food (2009) argues that agreements to cede or lease large parcels of land should under no circumstances be allowed to trump the human rights obligations of the states concerned. With international laws outlawing the arbitrary infringements of property rights, LSLA acquisitions, especially those that run contrary to established rules and conventions, infringe upon the very basic human rights of the affected populations. It is Moreda (2018) 's view that the recent land rush in Africa, with its invocation of global and national food security, has somehow run counter to protecting local people's access to land for livelihood sustenance.

This study examines the human rights implications of large-scale land acquisition in Ghana. This study hypothesizes that large-scale land acquisitions in Ghana both cause and distort human rights abuses, livelihood disruptions, and injustices. As far as large-scale land acquisition, human rights, livelihoods, and justice in Ghana are concerned, the study intends to

contribute to literature, policy, and practice. These lessons could improve large-scale land acquisition regimes while meeting the needs of both original owners and new owners.

1.2 Objective of the study

The overall aim of the study is to examine the implications of large-scale land acquisition on human rights in Ghana.

1.2.1 Research questions

1. What is the extent to which large-scale land acquisitions in Ghana conform to different legal regimes
2. Do stakeholders in large-scale land acquisitions engage in institutional shopping?
3. What are the implications of large-scale land acquisitions and legal pluralism in Ghana on livelihoods, poverty, and justice?
4. What are the impacts of large-scale land acquisitions on human rights?

CHAPTER TWO

2. Concept ,Theory and State of the art

This chapter discusses issues pertaining to large-scale land acquisition. It also discusses issues relative to marginalized groups, legal pluralism, national law, and rural land, as well as customary land rights. The human rights dimension and institutional framework for land management in Ghana, especially the roles played by the various land sector agencies, are also discussed in the chapter.

2.1 Land Acquisition and Related Terms

2.1.1 Land Acquisition and Large-Scale Land Acquisition

According to the International Development Policy report (2014), land acquisition is defined as obtaining ownership rights and long-term leases over land. The new owner decides what the land is used for [along with land-use plans for the area in question]. (Darkwah et al., 2017) posits that the term large-scale land acquisitions [LSLA] encompass numerous land deals. These land deals are not uniform but vary, both in terms of the project and the identity of the investors (One notable observation in the literature is that such acquisitions are not peculiar to the twenty-first century. There is ample evidence of large-scale land acquisitions in the past). However, the rise to prominence of these land deals in this current regime lends credence to the need to beef up food security in countries that rely on the heavy import of agricultural produce by capitalizing on the venture for higher productivity (Cometti, 2020; Darkwah et al., 2017). State policy and the role of international development partners in the search for food security and alternative fuels have been identified as underlying reasons for the scaling up of land deals this century (German et al., 2013). Despite the significant variations in how these deals are done, they often require the uptake of lands from indigenous people [sometimes with harmful effects on the latter]. Despite the inherent positive and negative implications of LSLA on land rights of indigenous communities, food security, and sustainable development, such deals continue to infiltrate (Cometti, 2020; Darkwah et al., 2017; German et al., 2013) the continent of Africa and Ghana for that matter (German et al., 2011). Examining the implications of these land deals on human rights, poverty, and livelihoods in Ghana, thus holds the prospect of contributing to the knowledge of the state of the art of literature and serving as a possible reference to guide policy and practice.

2.1.2 Land Grabbing

In broad terms, land grabbing refers to the long-term acquisition of large tracts of land by corporations, governments, and individuals. Land grabbing should be understood in the context of national and transnational capital and their pursuit of profit. This capital undermines the meanings, uses, and systems of managing the land rooted in the local communities. In the global land grab process, small-scale, labor-intensive uses of land are rapidly being replaced with large-scale, capital-intensive land services and raw materials extraction. Land grabbing has acquired various definitions, reflecting the positions of players globally (Prosper, Kjell & Atakilte, 2014). The term ‘land grabbing’ has gained popularity, alongside a plethora of terms such as ‘green colonization,’ ‘new land colonization,’ ‘climate colonization,’ and ‘water plunder’ (Prosper, Kjell & Atakilte, 2014). Prosper et al., 2014 note that within the African context, they consider land grabbing to be a more useful and generic concept, which define to include exploration, negotiations, acquisitions or leasing, settlement, and exploitation of the land resource, specifically to attain energy and food security through export to investors’ countries and other markets (Prosper, Kjell & Atakilte, 2014). It has been demonstrated by Prosper et al., 2014 that land grabbing encompasses compulsory acquisition. It reaffirms my position that the compulsory acquisition only set play when there is a complete absence of the affected group in the decision-making process and a failure to pre-inform stakeholders on such impacts.

The land grab involves the forceful capture of vast tracts of land and other natural resources through a range of mechanisms and forms that embroil large-scale capital that often changes resource use orientation into an extractive regime, whether for international or domestic purposes, as capital’s response to the convergence of food, energy, and financial crises, climate change mitigation imperatives, and demands for resources from newer hubs of global capital (Cometti, 2020; Dabala, 2020; Saturnino et al., 2012). These land deals can generate negative feelings from the disposition of original owners or tillers (most of whom are vulnerable) and insufficient measures to protect their rights and livelihoods in their eventual success (Dabala, 2020). As a result of the harshness of LSLA on indigenous peoples and the loss of their land rights, the Food and Agricultural Organization [FAO], International Fund for Agricultural Development, UN Conference on Trade and Development (UNCTAD), and World Bank Group set out in 2010 the principles for Responsible Agricultural Investment [RAI] to mitigate the effects produced by large-scale investments in farmland (Cometti, 2020). Although not without criticism, this initiative was seen by some as an endorsement of the capitalization of agriculture to the detriment of poor rural farmers (Cometti, 2020).

2.1.3 Land and Marginalized Groups

LSLA conditions and marginalization of already vulnerable populations are prevalent in large parcels of land (Cometti, 2020; International Development Policy, 2014). This concentration of landholdings has several adverse effects on marginalized groups, including small-scale farmers, pastoralists, nomads, and women, in situations where the gender pendulum is skewed (Dabala, 2020). Even though these land deals promise to meet domestic and foreign food needs on exceedingly large- scales, the dispossession of the people who occupy the land makes them more vulnerable. As they are often unqualified to work in other sectors of the economy, they are placed at risk of experiencing colossal political, social, and economic consequences (International Development Policy, 2014). Anseeuw et al. (2012) report that some end up begging or taking low-paying jobs. As a result of these land deals, food insecurity affects minority groups (Cometti, 2020). The harmful effects of such large-scale agricultural investments [often packaged under the seal of promoting food security and development of the host region and communities] prompted some scholars to label the process and the act as “land grabbing” [to demonstrate its severity].

Smallholder farmers produce a significant proportion of the food production for local or domestic consumption. Women occupy most of these smallholder farmers, often operating on parcels of land acquired through customary arrangements (Darkwah et al., 2017). Many women in most parts of Africa are merely tillers of the land, not owners, as they have fewer rights than men. The adverse effects of the dispossession of lands previously tilled by smallholder farmers are amplified for women because they are marginalized in the allocation of compensations made by investors (Tsikata & Yaro, 2011). The discrimination against women relative to land has its roots within the customary laws and practices regarding the right to use, access to, and the succession of land (Kotey, 1995; Apusigah, 2009)

2.1.4 Legal Pluralism

In legal pluralism, we are invited to imagine multiple legal orders functioning together in the same social and geographical context. In this way, a variety of legal regimes can coexist. In the institutional frameworks of everyday life, human rights and legal pluralism are intertwined in a variety of ways. (Provost & Sheppard, 2013). Provost and Sheppard (2013) reveal that the link between formal human rights law and informal institutional governance practices, norms, and standards is complex and contentious. This approach places human rights norms inside multiple plural legal regimes, as opposed to the general tendency to view human rights law as

consisting of universal standards and principles. It encompasses both formal and informal legal regimes. Further, these legal regimes do not operate in isolation but are constantly interacting and intersecting. As far as land is concerned, most African countries have legal pluralism (Kuusaana & Gerber, 2015). In terms of land access and land use rights, there are multiple and sometimes contradictory legal institutions. Similarly, in Ghana, a pluralistic legal regime depends heavily on customary land ownership. In addition, the existence of legal pluralism is likely to lead to disputes regarding land acquisitions. Land acquisition and administration are managed by customary and statutory institutions and arrangements. For instance, the commodification of land in Ghana in recent decades has led to violations of traditional rules and regulations governing land acquisition (Darkwah, Medie & Gyekye-Jandoh, 2017). The inappropriate application of the rules and procedures often leaves the host communities vulnerable to exploitation since one of the reasons for the rush in land deals in Africa and, for that matter, Ghana is the existence of weak land administration regimes (Woodhouse, 2012; Schoneveld, 2011; Deininger, 2011; Matondi et al., 2011).

2.2 Legal Regimes

2.2.1 National Law and Rural Land

Protecting rural landowners and users is a right that is covered both by the Declaration on the Right of Peasants and the Right of Indigenous Peoples. In large-scale land acquisitions, both rights aim to mitigate the arbitrary taking and use of lands belonging to vulnerable groups [such as farmers and peasants] to provide “grandeur development” or to meet food or energy needs (Dabala, 2020). Moreda (2018) argues that agrarian peoples’ primary resource is land, yet the contestation over land leaves owners vulnerable to large-scale land acquisitions. The relevance of land rights is best understood when looked at from a human rights perspective. Rural folks who depend on agriculture for sustenance view land as indispensable for livelihood sustainability from a human rights perspective. Access to land and land use rights are critical at the national level; they are crucial for indigenous people. Therefore, rural folks need to pay attention to actions that appear to undermine their access to and use of lands. Numerous countries in sub-Saharan Africa have embraced structural adjustment programs and policy reforms aimed at liberalizing the land market since the 1990s, in some instances, legal recognition of customary rights. A vital component of this is formalizing and individualizing customary tenure, reasoning that uncertainty, flexibility, and negotiability undermine the security of tenure and productivity-enhancing investments (German et al., 2013). These

measures aimed to increase land distribution efficiency and boost agricultural productivity (German et al., 2013).

Concurrently, the onset of this land administration process (German et al., 2013) also marks the birth of LSLA in recent times. Large-scale acquisitions occur in remote areas [with few peri-urban areas experiencing large takeovers]. As a result, most rural landholders might lose their lands and the rights to such lands. Often, these deals involve corruption (De Schutter, 2015) with an increased likelihood of negating the concerns of poor people. De Schutter (2015) further asserts that even the most flawless and transparent land deal can have disparaging impacts on rural livelihoods, accelerate their plight, and eventually cause more damage than benefit. Harm is greatly aggravated when corruption factors into the various phases of land transactions. To preserve the rights of rural landholders, De Schutter (2011) argues that research and policy should focus on strategies that could make rural lands more productive, equitable, and sustainable under structural, institutional, and agrarian reforms that distribute land to smallholders (Gyapong, 2020).

2.2.2 Customary Land Rights

Ownership of customary lands is usually collective, but the administration is often vested in chiefs or elders or a designated leader who is appointed by custom. Land from customary sources is a major source of development (Yeboah & Shaw, 2013). However, customary land can be reclassified as state land by utilizing the state's right to eminent domain, which allows an involuntary expropriation of customary land for a 'public purpose' (German et al., 2011). The ownership of land is evolving from customary and collective forms of tenure to more Western forms of individual property ownership (De Maria, 2019). As Dell'Angelo et al. (2017) note, while the communities adopting common and customary tenure regimes have developed over time forms of resilience to internal shocks (i.e., other community members), it is not clear to what extent they are prepared to absorb shocks that are induced by exogenous factors, such as the competition with new external actors for the control of land reserves. It has been estimated that indigenous and local communities currently control 65% of global land reserves under customary and often collective tenure systems, typically adopting small-scale and low-intensity agricultural, fishery, and forestry production methods (De Maria, 2019). Therefore, the current interest of international investors in LSLAs is dramatically changing the landscape, both literally and metaphorically (De Maria, 2019). There are many issues under customary land administration where the rules and procedures are often not applied correctly,

leaving the host communities vulnerable to exploitation. Since international law prohibits the arbitrary infringement of property rights, LSLA acquisitions, especially those that run contrary to established rules and conventions, impair the very fundamental human rights of the affected populations. Remarkably, customary tenure administrations are not only a cause for land grabbing, but they can also work as a local community reaction, that is, a mechanism of social resilience, to transnational LSLAs (De Maria, 2019; Chabeda-Barthe & Haller, 2018). Human rights law thus proposes a potential platform for negotiating between the local rural communities, governments, investors, and corporations. “By putting the right to food, land rights, and the right to development to the fore of any land acquisition, this framework will ensure that local people benefit from the investment taking place in their region” (David & Whittam, 2008).

2.2.3 Human Rights

Human rights denote fundamental rights and freedoms everyone is entitled to by virtue of being a human (Dabala, 2020). These rights safeguard individuals from inhumane treatments and are guaranteed by law. States are expected to ensure these rights are respected and always upheld (Dabala, 2020). In the quest to achieve development, however, the rights of individuals run parallel to that of the state, with the latter expected to put in measures that find a balance between individual and public interests. The start of LSLA acquisitions has created situations where the rights of some people [mainly host communities of such land deals, farmers or smallholder farmers, and other indigenous people with interest in the land] are constantly trampled upon by the investors in explicit or tacit approval of the state (Dabala, 2020). As Moreda (2018) argued, the recent land rush in Africa with the invocation of the global and national food security argument has somehow run counter to protecting local people’s access to land for livelihood sustenance [which is a breach of their fundamental human right]. A lot of international bills have been passed to protect the rights and freedoms of locals, especially in the wake of the new scramble for lands in large quantities in developing countries, particularly those in Africa. These bills intend to safeguard the rights of access and use of lands of locals against the new wave of land concentration in the hands of few investors for large-scale food and energy production.

The International Bills of Human Right

The “International Bill of Rights” comprises the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESC). There is a wide range of rights in this Bill of Rights, easily categorized into procedural and substantive rights. There are several substantive rights recognized by the bill, including the right to life, the freedom from slavery, the freedom from torture, the right to privacy, the freedom of thought, conscience, religion, the freedom of assembly, the property right, the right to health, the right to self-determination, the right to social security, the right to work, the right to rest and leisure, the right to an adequate standard of living, the right to education, and the right to participate in cultural life. Access to information, public participation in decision-making, and access to justice are among the principal procedural rights. After this bill, states are expected to develop standards and procedures that provide a conducive environment to safeguard these rights and avert the trampling of the rights of its citizens by any individual, business, or state. This is because the rights are considered inalienable and inviolable, thus requiring universal respect. The inalienability of these rights is reaffirmed in the Right to Development – where the emphasis is on one’s right to participate and enjoy development and must not suffer any form of discrimination or injustice in the course of providing or enjoying the outcomes of development initiatives. The onus lies on states to formulate policies that provide for safeguard the rights of individuals even in the quest to provide development (Dabala, 2020). It is in line with this that the UN Declaration on the Right of Indigenous People [RIP] has been promulgated to help guarantee the enjoyment of their fundamental human rights [including the right to development and control over their natural resources, including land]. This right seeks to ensure that the eventual uptake of lands from indigenous people should be participatory and transparent and must factor in the priorities, aspirations, and livelihoods of the existing owners or users of the land in the process of acquiring and altering the use of the land.

UN Guiding Principles on Business on Human Rights is built on three pillars; namely, to protect [states’ responsibility to safeguard the rights of citizens against abuse], respect [the duty of businesses and corporations to avoid causing negative impacts on locals through their activities and likewise address any undesirable consequence of their actions] and remedy frameworks [centers on finding redress for disputes that emanate on the course of providing development, either through judicial or non-judicial means] (Dabala, 2020; UN, 2011). Following the deleterious impacts of LSLA in Africa, the African Union has developed a guiding framework to guide future land deals with the prime objective of protecting the rights

of locals against the negative consequences. The guide is hinged on respect for human rights, contributing to sustainable agriculture, full participation of affected stakeholders, minimizing costs [environmental, financial, social, etc.], and accountability (Dabala, 2020). The evidence on the human rights dimension to LSLA demonstrate that at least most players within the development arena recognizes the inherent human right violations that could accompany such deals. It is for that reason that efforts have been made at various quarters to put in place legislation and guiding principles to safeguard the vulnerable in those deals [local or host communities]. Despite the existence of these regulatory and legislative instruments to protect host communities, evidence abounds on breaches and violations (Darkwah, Medie & Gyekye-Jandoh, 2017). It is therefore important to explore and ascertain the implications of large-scale land acquisition justice (one of the dimensions of human rights, especially in the event of violations against one's rights and privileges).

The Right to Land

The right to land is recognized by several binding and non-binding international human rights instruments as an implied right even though no international human rights law explicitly states it. People need land to enjoy their rights, including the right to food, a decent standard of living, and development and property rights. It is also necessary for exercising rights such as self-determination and cultural rights. A pivotal role is played by the right to land in the Declaration on the Rights of Peasants and the Declaration on the Rights of Indigenous Peoples. In addition, land rights are recognized under the 1992 constitution of Ghana and other land legislations. Individuals with land ownership rights have the right to secure their land without paying for it, avoid eviction from their possessions, cultivate the land without time limits, and transfer their land-use rights to family members by inheritance or gift. They can also rent out half of their landholding to others.

Property Right

Article 17 of the 1948 Universal Declaration of Human Rights states that everyone has the right to own property alone as well as in association with others, and it further posits that no one shall be arbitrarily deprived of his property. There is a fundamental right that individuals need to enjoy regarding their possessions. State power, however, sometimes hinders the realization of this right. The infringement of indigenous group rights and unequal distribution of wealth

has been the focus of recent discussions regarding property rights. The protection of indigenous peoples' property rights is crucial for their survival.

2.2.4 Integration and Contradiction

According to the discussion, various bills and principles exist to guide LSLA in meeting the needs of host communities and investors. In some ways, these principles and statements acknowledge some customary land rights and contracts. In this way, those who oppose the LSLA can stand up for their rights and protect host communities. However, from the LSLA perspective, different legal regimes for land administration present some challenges. Legal regimes do not operate in isolation but are constantly interacting and intersecting, but state power sometimes overrides customary land ownership, which at times subjects' people to vulnerability. First, customary land agreements and rights are often not treated as contracts by foreign investors. Sometimes this works in favor of investors and against locals, especially when the host country is determined to ensure that the project is successful]. In addition, the state's role in determining land use could lead to danger, particularly when that prerogative is not used appropriately. In addition, it is disconcerting to note the broad resistance to LSLAs in Africa, which opposes the strong attachment of some governments on the continent to LSLAs, viewing them as a win-win situation as opposed to an 'evil' process that provides jobs, industrialization, and greater food security, among other benefits to host communities (World Bank, 2010).

CHAPTER THREE

METHODOLOGY

3.1 Introduction

This chapter seeks to provide an exposition of the research methodology relevant for meeting the prime objective of the study, which is to examine the implications of large-scale land acquisition on human rights in Ghana. Specifically, the chapter details the search processes and procedures as well as the databases from which materials were obtained. The chapter furthermore details the inclusion and exclusion criteria of the materials retrieved from the databases and how data from the included articles were analyzed and incorporated into the study. The following research questions guided these processes: (1) to what extent do large-scale land acquisitions in Ghana conform to different legal regimes? (2) Do stakeholders in large-scale land acquisitions engage in institutional shopping? (3) What are the implications of large-scale land acquisitions and legal pluralism in Ghana for livelihoods, poverty, and justice? (4) What are the impacts of large-scale land acquisition on human rights?

3.2 Review Approach

Recent evidence-based practice edges have increased the need for and the production of all types of reviews of the literature (integrative reviews, meta-analyses, systematic reviews, and qualitative reviews) (Whittemore & Knafl, 2005). The choice of methods for such extended literature synthesis is a function of dominant approaches used or employed in the primary studies the research intends to review (Noble & Smith, 2018). Two main approaches were predominant within large-scale land acquisition-related research conducted in Ghana and on the global scale. These were the qualitative as well as quantitative approaches. However, the mixed methods approach has also been employed by numerous other researchers to breach the gap between purely quantitative research and purely qualitative research (Creswell & Creswell, 2018; Halcomb & Hickman, 2015). While the quantitative approach postulates that universal laws can be established through statistical modeling, the qualitative approach seeks to understand human behavior by exploring phenomena from a purely descriptive and a narrative perspective (Serageldin, 2012; Williamson et al., 2018).

According to Serageldin (2012), the quantitative approach allows researchers to study much larger sample sizes as compared to the qualitative and missed approaches. Furthermore, Creswell and Creswell (2018) also note that employing the quantitative approach to research facilitates precision, reliability, and consistency of findings. Nevertheless, Serageldin (2012)

posited that the quantitative approach overlooks subjective information, which is relevant for understanding the context of phenomena, and hence, the approach is irrelevant in analyzing data that cannot be scientifically quantified. This idea was further supported by (Creswell & Creswell, 2018). On the other hand, Sutton and Austin (2015) noted that whereas the qualitative approach cannot be used for studies that seek to establish rigorous scientific theories and laws due to its superficial element, it is very relevant in studying human behaviors in any given geographic space and context. In talking about the mixed methods approach, Sutton and Austin (2015) emphasized that it capitalizes on the advantages of both the quantitative and the qualitative approaches while at the same time counterweighing their shortcomings.

However, in line with the objective of the study, which is to assess the implications of large-scale land acquisition on human rights in Ghana, using existing resources, data was collected through a desktop study. In this manner, the researcher can gather, review, and analyze publicly available data about the research topic they are interested in. The qualitative approach was more convenient as it allows for flexibility coupled with the inherent abilities which make room for inferences to be made based on observed patterns (Creswell & Creswell, 2018). Nevertheless, research within the scope of this study which has been carried out employing either the qualitative or the quantitative or the mixture of the two approaches, will be considered. The basis for this is to ascertain multidimensional information that is relevant and extensive enough to meet the objectives of the study (Creswell & Creswell, 2018). According to Halcomb and Hickman (2015), this approach to knowledge synthesis facilitates understanding from multidisciplinary perspectives and hence, enables focus on describing and identifying relevant patterns and evidence on pre-existing works.

3.3 Literature Search and Research Strategy

The study relied only on secondary materials published on large-scale land acquisitions in Ghana between January 2000 and August 2021. The justification for the timeframe was to measure the impacts of large-scale land acquisition on human rights in Ghana over the past two decades. To be able to fully address the objectives of the study, materials on the subject matter were assembled from different databases (Bhattacharjee, 2012). The preliminary literature search involved electronic searches of three popular academic databases. These were Scopus, Wiley Web of Science, and SAGE. Additional searches were further done via the Directorate of Open Access Books and Journals (DOAB and DOAJ), Google Scholar, and ResearchGate for supplementary information towards the realization of the objectives of the study. Consequently, the use of snowballing and hand searches, comprising searching through

reference lists of literature or materials identified using electronic database searches, were also employed. The use of this approach provided supplementary relevant literature and keywords to facilitate the search process (Badampudi et al., 2015; Wohlin, 2014). Badampudi et al. (2015) noted that using snowballing and hand searching of downloaded articles augment access to published materials on any given subject matter.

Table 3.1 presents a summary of the keywords, sentences, and phrases used in mining data for the study. Table 3.1 Databases and Search Terms

Database	Searched words/keywords
Scopus	("Large scale land acquisition" OR "Land acquisition" OR "LSLA" OR "Ghana") AND ("human right" or "livelihoods" or "poverty" or "justice" OR "wellbeing" or "improved livelihoods")
Wiley Web of Science	("Large scale land acquisition in Ghana" OR "Land acquisition in Ghana" AND ("impact on agricultural livelihoods") OR ("impact on human rights of people in host communities")
SAGE	("Impact large scale land acquisition on livelihoods and poverty in Ghana" OR "LSLA initiative in Ghana" OR "Land acquisition in Ghana" AND "impact on livelihoods and poverty")

Source: Author's Construct, August 2021

3.4 Inclusion and Exclusion Criteria and justifications

Only studies whose contents reflected the subject matter under consideration, large-scale land acquisition, and human rights in Ghana were selected and included in the final analysis. In the narrowest sense, only studies whose full contents or abstracts or keywords captured any information on or related to the large-scale land acquisition were considered. The inclusion criteria also focused on original articles that have used either quantitative, qualitative, or mixed approaches to explore the subject matter under consideration. Studies conducted in the English language, published in Ghana between January 2000 and August 2021, were also included in the final analyses. With regards to the exclusion criteria, studies or works done on the large-scale land acquisition that does not fall within the geographic scope of this study [Ghana] were not considered. Furthermore, studies or publications covering large-scale land acquisitions

before January 2000 were not considered. Additionally, works published in languages other than the English language were also excluded from the list of articles used in the final analysis due to translation challenges. All forms of reviews were also excluded since such synthesis may distort the views and opinions of the original authors.

3.5 Results and Refinement of the Search

As part of the study's objective to explore the implication of large-scale land acquisition on human rights, the literature review was based on an existing document on LSLA, human rights, legal pluralism, and other general themes. To better understand the impact of large-scale land acquisition on human rights, a variety of case studies were selected based on worst-case scenarios, ranges, and exceptional and typical cases. After applying the inclusion criteria of the research, only four cases were considered for analysis. Despite large-scale land acquisitions occurring at an accelerated pace and lacking transparency, land acquisition statistics are inherently inaccurate. However, data from different sources were cross-checked whenever possible.

3.6 Data Analysis

Having established the procedures employed in obtaining the articles that were included in the final analysis, this section of the methodology details the analytical framework adopted to select relevant information from the selected articles. The data analysis procedure was commenced when the final 4 cases for inclusion were determined and verified. Thematic analysis was employed for knowledge synthesis since it facilitates the observation of relationships, patterns, and connections across researched materials (Suhairi et al., 2017). Within the context of this study, the thematic approach was employed to investigate the extent to which large scale land acquisition impacts human rights in Ghana, ascertain the extent to which large scale land acquisitions in Ghana conform to different legal regimes; further establish whether stakeholders in large scale land acquisitions engage in institutional shopping and evaluate the implications of large scale land acquisitions and legal pluralism in Ghana on livelihoods, poverty, and justice.

3.7 Ethical consideration

Ethical issues are part of the wider consideration of the role that values play in the research process, but the ways in which values are relevant are not just to do with the ethical dimensions

of research (Bryman, 2016 p141). Conducting research by using the internet as a method of data collection raises specific ethical issues that are only now starting to be widely discussed and debated. This is purely desktop literature review, so informed consent was not taken into consideration, but acceptable use of policies and data protection legislation was observed.

CHAPTER FOUR

Case studies from Ghana

4.1 Introduction

The preceding chapter provided a thorough description of the methods employed in obtaining relevant literature on the implications of large-scale land acquisition on human rights in Ghana. The methods also provided an analytical framework, which was followed through to derive this current chapter. This present chapter presents synthesized evidence from the papers that

met the outlined inclusion criteria. The presentation of the results is congruent with the themes identified in the literature, bearing in mind the study's specific objectives of examining the conformity of LSLA to different legal regimes; institutional shopping practices among stakeholders in LSLA deals; and the implications of such contracts and legal pluralism on livelihoods, poverty, and justice in Ghana. Here, four cases were presented. These include the ScanFarm Ghana Limited, Agogo in the Ashanti Region of Ghana; the GOPDC (Oil Palm); Smart Oil Ltd (Jatropha Plantation); and Biofuel Africa Limited (BAL).

4.2 Land ownership and governance in Ghana: historical background

Land ownership in Ghana is heterogeneous, with customary authorities owning about 80% and the state owning 20% (Antwi & Adams, 2003; Arko-Adjei, 2011; Bentsi-Enchill, 1964; Ollennu, 1962). Before formalizing land ownership, oral grants were regarded as valid when grantees expressed gratitude for kola nuts and alcoholic beverages (Ehwi & Asante, 2016). However, this practice entailed many difficulties, such as fading memories, misplaced proof, and death of witnesses, which resulted in frequent inter-clan fighting and endless litigation (Bentsi-Enchill, 1964; Ollennu, 1962; Ehwi & Asante, 2016). Since traditional land ownership is difficult to produce trustworthy records of land transactions, formalizing land transactions is necessary for title certainty and security (Kasanga & Kotey, 2001; Ehwi & Asante, 2016). Several attempts have been made to establish legislation to address such discrepancies in land transactions. In Ghana, land governance is based on a complex mix of constitutional and other arms of the state. This is a result of the coexistence of various tenure systems, including customary law, statutory law, constitutional provisions, and judicial rulings. The management of these systems to ensure tenure security is a challenge for Ghana's legal system (Agbosu et al., 2007; Sarpong, 2006; Runger, 2008). There were a few pieces of legislation that were introduced prior to the introduction of land titling in 1986, and some of the evidence is available in existing literature, such as the law ordinance (1883), the land registry act (1962), and the land registry ordinance (1895). All this land legislation was drafted but could not be implemented due to delays and debates over land ownership. Legislation enacting land titling took place in 1986 and became mandatory, but implementation within that same year was patchy. The National Land Policy of Ghana, which was adopted in 1999, seeks to address several issues such as poor land management, land market disputes, state expropriation of large plots, and a lack of consultation with landowners. In Ghana, land governance has a direct effect on individuals' well-being.

By emphasizing that those responsible for managing land must act in the interests of their communities, Ghana's Constitution recognizes the concept of trusteeship in landholding (Kasanga, 2001). Article 36(8) of the 1992 Constitution states: "the state shall recognize that ownership and possession of land carry a social obligation to serve the larger community and, in particular, the state shall recognize that the managers of public, stool, skin and family lands are fiduciaries charged with the obligation to discharge their functions for the benefit respectively of the people of Ghana of the stool, skin or family concerned, and are accountable as fiduciaries in this regard" (The 1992 constitution of Ghana). Across Sub-Saharan Africa, landholdings are customary tenure systems that are either unwritten or informally registered (Arko-Adjei, 2010). So, an owner is anyone who has the right to use, move, lease, or grant a parcel of land. In Ghana, statutory and customary land tenure systems coexist. Family heads and traditional leaders own and manage customary lands. The 1992 Ghanaian constitution, article 267, refers to chiefs and family heads as the custodians of lands, and they have the power to enforce rights and obligations related to those lands (Gyamera et al., 2018). Chiefs and family heads exercise this power not only in rural areas but also in urban centers. Since the Constitution does not specify how much land can be purchased in Ghana, Ghanaians and non-Ghanaians can purchase any amount of land. A lease of no longer than fifty (50) years is recommended for Ghana non-citizens, unlike Ghanaian citizens, who are entitled to freehold interest in Ghana (Gyamera, 2018). Ghanaians are allowed 99 leasehold properties, subject to renewal.

The Ghana Land Registry has reported 28 large-scale land deals in Ghana since 2000. Based on the 13 large land deals that have been documented, the total area ceded amounts to 402 941 hectares, constituting 1.9% of the land available for agriculture in the country (Cotula et al., 2014: 907). The LSLA has been established in almost all ten countries (Boamah, 2011). As part of these acquisitions, Yaro & Tsikata have established an organic mango plantation of 1,363 acres (Yaro & Tsikata, 2013), a rice plantation of 1,200 acres (Tsikata & Yaro, 2011), and are also establishing plantations for biofuels, including a 3152, 525-hectare sugarcane and jatropha plantation (Schoneveld et al., 2011)

Several state institutions perform functions relating to land administration and management. The management of lands in Ghana is entrusted to certain institutions with the requisite skills to administer lands in the country.

The Lands Commission was first established under the 1969 Constitution, charged with the responsibility of holding and managing on behalf of the government all lands acquired or vested in the president. The primary function of managing public lands has, however, remained unchanged (Biitir & Nara, 2016). The Lands Commission now operates under the Lands Commission Act, 2008 (Act 767), which has replaced the former Lands Commission Act 1994 (Act 483). Article 258 (1) and Act 767 (5) of the 1992 Constitutions and Lands Commission Act, 2008 respectively, among others, spell out the functions of the Lands Commissions.

The Town and Country Planning Department is one of the departments decentralized under the District Assemblies as is required by the Local Government Act, 1993 (Act 462). The department is responsible for physical planning and is empowered by the Town and Country Planning Ordinance, 1945 (CAP 84: Cobbinah, 2017) to undertake the preparation of planning schemes and formulate policies for its implementation and enforcement. The department is, however, constrained by a severe shortage of vehicles for fieldwork, shortage of qualified middle-level technical staff, shortage of office accommodation, lack of adequate base maps for planning, and poor remuneration packages (Agyen-Brefo, 2012).

In Kumasi, the Customary Lands Secretariat is known as Asantehene's Lands Secretariat, which is located at the Manhyia Palace (Agyen-Brefo, 2012). It plays a major role in the management of stool land in Kumasi and links up with the Lands Commission in the performance of its functions (Agyen-Brefo, 2012). All grants of stool lands require the consent of the Lands Commission. Every grant of stool land in Kumasi should receive the Asantehene's endorsement. In Kumasi, Stool lands constitute the majority-about 66% (Lands Commission (Kumasi), 2011), and therefore come directly under the management of the Secretariat. One of the problems with this institution is that the endorsement usually takes considerable time, especially when the Asantehene travels. These delays, coupled with the relatively high "drink money" to be paid, sometimes discourage developers from continuing the lease processing.

4.3 The Case of Scan Farm Ghana Limited, Agogo in the Ashanti Region of Ghana

The company relocated to Agogo, Ghana, in 2008. A Memorandum of Understanding (MoU) was signed in 2009 by Norwegian investors to purchase 13,058 acres (5,440 ha). Originally, ScanFarm (Gh.) Ltd. came to Ghana to grow *Jatropha curcas*, but after a year, they switched to growing maize, soybeans, and sorghum. The land lease by ScanFarm, which has been registered with the Land Commission, is for 50 years, divided into two 25-year segments. Towards the end of 2008, the ATC received a lump sum payment of \$23,000, subject to an

annual ground rent payment. The Agogo State is governed by the stool land tenure system, which indigenous families occupy. The area was purchased through the Agogo Traditional Council (ATC) to produce *Jatropha curcas*. The Agogoman royal family facilitated land acquisitions to stimulate development in the area. Following ScanFarm (Gh.) Ltd and the ATC talks, the customary drink money was paid, and yearly land fees were agreed upon. In collaboration with the ATC, scanFarm (Gh.) Ltd restricted the concession, mapped it and created the lease instrument. This process has been handled solely by ScanFarm (Gh.) Ltd, without consultation with the eight communities whose land is being affected by the concession. Kuusaana and Gerber (2015) report that there were no community forums or sensitizations to introduce residents to the implications of such a significant development opportunity in their neighborhood (Kuusaana & Gerber, 2015).

Transparency, information sharing, participation, and accountability were absent from the land transaction. Customary rights or ownership of land comprise nearly 80% of all land in Ghana. There has been a policy of non-interference in LSLA deals over time. It has been noted by Kuusaana and Gerber (2015) that sometimes a disconnect exists between the traditional authorities and formal land agencies due to the prevailing non-interference position of the government. This statement by Kuusaana and Gerber (2015) broadly defines the level of compliance with the different statutory and customary land regimes in the large-scale land deals that have been undertaken in Ghana over the years. Community members were often alienated during the land acquisition process, with discussions held between the investors and the chiefs. Kuusaana and Gerber (2015) concluded that ScanFarm (Gh.) Ltd.'s land deal at Agogo for *Jatropha curcas* production in Ghana was not transparent and did not allow information sharing, participation, or accountability.

The term institutional shopping refers to the involvement or engagement of various institutions with a shared interest in an endeavor. Institutional shopping implies the concentration of land management institutions (both statutory and customary) to cover a range of topics related to land rights, livelihoods, environmental impacts, and any other associated issues such large-scale land deals may bring. Using the framework of institutional shopping, one can most efficiently acquire land from communities, smallholder farmers, tillers, and migrants with compensation that considers the varying effects of such land acquisitions on socio-economic, environmental, and cultural factors. In the following paragraphs, ScanFarm (Gh.) Ltd used institutional shopping in its large-scale land deal at Agogo for *Jatropha curcas* production in Ghana.

The review identified that the inappropriate blend of customary and statutory land institutions resulted in a lower tendency of institutional shopping in such land deals (Kuusaana & Gerber, 2015). The LSLA discourse has remained contentious and challenging despite efforts to blend statutory and customary laws and practices in managing public and private land ownership rights. This is influenced by colonial land law and traditional standard rules. Even though chiefs are independent in discussing land issues, the relationship between the Lands Commission - one of the country's land management organs - and traditional authorities has been strained (Kuusaana & Gerber, 2015). There is a chronic mismatch between conventional sources and official land agencies due to government non-interference in chieftaincy and stool land management. If the existing system is maintained, Ghana cannot manage large-scale land acquisition procedures in a way that leads to favorable results. The relationship between certification agencies, traditional authorities, and government land agencies are also strained. In addition to certification companies diverging from both the World Resources Council and GIDA, concerns about water grabbing may also arise (Kuusaana & Gerber, 2015).

This has led to a lack of resolution of community land rights by legal frameworks or other organizations that administer land (Kuusaana & Gerber, 2015). In Ghana, traditional land transactions are characterized by a lack of openness, involvement, and accountability. There is ample evidence of limited consultations with village chiefs, and the leaders are unable to adequately convey the concerns of expropriated smallholders (Kuusaana & Gerber, 2015). The chiefs and traditional councils are taking land from the community and making almost unilateral decisions. Generally, there is scant communication between key institutions and players who are engaged in large-scale agro-investments, and government powers over customary grants are limited. Consequently, data from the literature suggests that the inadequacy of Ghana's land governance system is partly due to differences between *de jure* and *de facto* procedures. To achieve institutional synergy, existing links between land management institutions in the country must be strengthened. Without this, land acquisition projects will have an adverse effect on citizens and host communities.

The production of *Jatropha curcas* at Agogo had several prospects, but it has been unable to fulfill them. A few chiefs negotiate to have members of the community employed and to have corporate social responsibility initiatives like building and renovating schools. These initiatives are designed to provide scholarships to needy but brilliant students, provide teachers' bungalows, remunerate teachers, and provide teaching materials. Despite this, those who benefit from large-scale land deals are typically chiefs and family heads entrusted with allodial

lands, together with other members of the local elite - to the detriment of community members and smallholder farmers. However, despite these arrangements of responsibility towards communities whose lands are being taken, there is no rigid legislation or national regulation that mandates employment creation specifically for transnational farms. There are many vague and non-binding clauses in the lease which make it impossible for locals to be employed. Therefore, wage employment expectations have not been met, nor have the hopes of in-direct employment been realized.

4.4 The Case of GOPDC (Oil Palm)

Ghana's GOPDC is in Kwaebibirem in the eastern part of the country. One of the rare cases of forceful land acquisition in Ghana was the transfer of land rights between post-colonial regimes. The land was acquired by the government in 1975 so that a military base could be built there. To diversify Ghana's principal export (cocoa) into industrial crops, the area was designated for oil palm production. The company was sold to SIAT Group, a Belgian integrated agro-industrial company specializing in oil palm production and processing, as part of the government's extensive privatization program in the 1990s (see Section 4.1.1 for details on the actual process and divergence dynamics). Currently, the firm owns 14,000 acres in Ghana, with approximately 8200 acres dedicated to oil palm farming. One big mill processes the palm fruit from several oil palm out-growers and independent growers. Recently, studies have emphasized problems such as lack of permission and inadequate compensation, even characterizing it as a land grab (Ahmed et al., 2019; Nolte & Vãth, 2015).

According to Ahmed et al. (2019) in their study, the land acquisition requirements were nearly fully met. It was discovered that the oil palm project began in the 1970s with support from the World Bank. Nana Kwame Bonfe II was also involved in the purchase process. As a result of government liberalization policies and divestment programs, the project was gradually privatized in 1995. Compensation was paid to deserving parties following the required procedures (Ahmed et al., 2019). Despite this, there is evidence of disagreement over the commencement and end of the leasehold.

Community members report receiving no compensation for their loss except the option of working on the plantation for low wages. Despite this, the meeting with the Otumi chief and other opinion leaders revealed that SIAT and the government had provided payment to the local communities impacted by the drilling. The study conducted by Ahmed et al. (2019) suggests that compensation recipients did not utilize the cash compensation they received judiciously in

the 1990s. During the study, the land was taken from two communities for large-scale investments. Meanwhile, some members of the community believe that the chiefs abuse their positions for their own personal gain (Ahmed et al., 2019). Therefore, the authors concluded the causes of community unhappiness in the land investment industry are not always related to a lack of remuneration (Ahmed et al., 2019).

In contrast to the land itself, the land was not included in the compensation system value since the company already had an arrangement with the government that covered the property, not the assets (Interview, Lands Commission, 2017). GOPDC created the smallholder scheme to reduce adverse effects on land-based livelihoods by providing each affected household with 20 acres of oil palm plantation land and 3 acres of land for food crops and housing for 25 years.

It is estimated that there are significantly fewer plantation workers in the GOPDC region, who are predominantly internal migrants, have smaller households, and own less land. Low levels of land ownership translate into low levels of consumption. Despite their socio-economic background, Ghanaian workers consume more than they earn (Ghana Statistical Service, 2015). Plantation workers have access to community-provided services, including clean water, health care, and schools. In general, the GOPDC oil concession conforms to international and local laws as far as its legality is concerned. Apparently, some form of compensation was paid to the local community, although opinions vary on this.

It is possible to view Kwae as possessing both "prosperous" and "disadvantaged" socio-economic sectors. Out growers and individual oil palm growers own large parcels of land, which allows them to engage in oil palm cultivation. This requires a large plot of land to generate a significant return on investment. This group of consumers and earners has the highest consumption and income. These consumers and earners enjoy the highest incomes and consumption levels. These already-affluent families are considered to benefit most from LSLA. As a result, inequalities in capital accumulation can result in socio-economic inequity in the long run. An influx of migrants with scant land ownership is forming a low-wage working class. In rural disadvantaged areas with limited formal job opportunities, plantation labour is popular (von Maltitz et al., 2016); however, it can also have long-term detrimental societal consequences (von Maltitz et al., 2016). In addition, environmental services are no longer available to nearly all families (specifically to women). While control groups share the same losses as out-growers and independent growers, they do not receive any compensation for oil

palm revenue. Therefore, the loss of access to these ecosystem services might adversely affect their livelihoods in the long run.

4.5 The Case of Smart Oil Ltd (Jatropha Plantation)

The company was formed through foreign direct investment from Italian investors and had a huge Jatropha plantation in Yeji (Pru district, Brong Ahafo). The company was founded in 2006 by Smart Oil Limited, an Italian manufacturer and distributor of biofuel. Since 2005, over 30 Jatropha LSLAs have been discovered. For more information, see Ahmed et al., 2017. Even after the sector collapsed in the early 2010s, one Jatropha venture in Ghana remains successful (Ahmed et al., 2017). Boamah (2014) concluded Jatropha investments and LSLAs constitute land grabs because they have significant socio-economic consequences and lack transparency throughout the land purchase process. Smart oil and Kadue stool signed a 60-year lease on commercial Jatropha development in the Pru area on November 4, 2011. There was no notice given to the local community.

According to Ahmed et al. (2015), Smart Oil, the Kadue stool and community members, and the Pru district assembly held a series of meetings, fora, and other discussions. There is documentation of the consultation process, as well as a list of participants and photographs from a community forum. The district assembly development planning office maintains these. Despite claims to the contrary, the documentation suggests they were involved. Kadue's chief explained that the local communities affected were consulted through their community representatives at the community level. After the consultation, the lease agreement included a clause emphasizing the chief's responsibility for future community consultations and distribution of LSLA information. In the lease agreement, it is specified who is responsible for the Kadue stool and Smart Oil. Based on these records, Kadue Stool had the responsibility to inform tenants of all meeting arrangements and Smart Oil's plans for the exploitation of the property.

In connection with the lease agreement, USD 6500 was required to be paid for the Kadue stool by March 30, 2012. The stool is then charged USD 1 per hectare per year (totaling USD 6500 over the 50-year lease period), adjusted for inflation in the United States. Six months after Jatropha production began, USD 10,000 was scheduled for community development and compensation. In addition, Smart Oil is required to provide a community development fund of USD 5000 per year for the implementation of health, sanitation, and education initiatives.

Ahmed et al. (2019) learned during their interview with Smart Oil's top management and the Kadue chief that this compensation had been paid over the years in their research. As the head of the regional house of chiefs and overseer of the whole area, when it comes to obtaining the money for community development and restitution, the Yeji paramount chief has hampered community efforts. Kadue chief was later removed from office by the paramount chief after he was convinced to hand over his land (Ahmed et al., 2019). The Kadue and Yeji paramount chiefs must both sign the withdrawal documents from the Kadue stool accounts at the stool land revenue administrator's office. The goal is to get Smart Oil money. No contracts have been signed between Kadue stool and Smart Oil despite the Yeji chief appointing a new Kadue chief. This schism limits community development funds from being deposited over time since traditional authorities have a schism.

According to the lease agreement, the Kadue chief is responsible for notifying all chiefs, sub-chiefs, and affected people, as well as compensating them after the appropriate money and rent have been paid to the Kadue stool. As revealed in local narratives, the chief did not fulfill his responsibilities. The chief was unable to fulfill his duties because of the Yeji paramount chief's appointment of a new chief. Investors/companies were required to adhere to all legal requirements to participate in the LSLA. Despite the legal requirements, several community members felt the real compensation was inadequate. However, sometimes the consultation process lacked transparency and inclusion. Considering the preceding, some performers may have gained at the expense of others.

Plantation wages are low, labour is diverted, and ecosystem services are lost, so all groups eventually suffer. It will take further study and long-term monitoring to determine whether such events occur. Due to Smart Oil's recent involvement in food crop cultivation, some residents fear that there will be increased labour diversion. This activity can affect the food supply of a community even though the crops won't be sold or consumed locally. Corporate management, local people, and chiefs recommended that food crops be grown throughout the EIA process. Food crops were added as a minor investment portfolio in response to the "food versus fuel" debate. It is clear from this that LSLA changes may have other effects and may be contested.

Often, communities accustomed to relying on the land for their livelihoods are displaced due to large-scale land acquisitions. They risk falling into poverty and deprivation if they are forced to give up lands that have provided them with a livelihood for several years. Many papers have

reported that landowners lost migrant workers and farmers who could not give the same returns as LSLA. This disruption of livelihood sources adversely affected the local economy and living conditions. To reduce the vulnerability associated with alienation from their traditional lands, landowners sometimes resettled migrants onto infertile lands. Landowners address this issue by moving migrants to unproductive lands, complicating food security by alienating them from their cultivated lands. Migrants have sometimes been forced to relocate to bare lands because the lands they cultivate are at risk of alienation, complicating food security.

LSLA agreements are a particular threat to smallholder farmers and women, as they are frequently evicted without compensation. Women's land rights have eroded as the land custodians (chiefs, family heads, and even the state) have been swept into a neoliberal, capitalist economy that stands against traditional Ghanaian values. The current situation is perceived by some community members as unsatisfactory since the conventional system is manipulated by investors rather than by leaders' benefit-grabbing activities. As in many classic examples of benefit grabbing, chiefs and investors benefit primarily from LSLA. Distribution can be negatively affected by such a situation.

4.6 The Case of Biofuel Africa Limited (BAL)

It is owned by Solar Harvest AS (Norway) and is registered in Ghana as Biofuel Africa Limited (BAL). The company focuses on the production of biofuels from *Jatropha*. Its primary goal is to develop biofuels using *Jatropha*, which is the most sustainable feedstock. To operate, it leases large tracts of managed land in Africa, predominantly Ghana. In pursuit of its food First policy, the company assists local farmers in maintaining and extending their farms and producing food on suitable lands. This is done by providing them with mechanical farming assistance. Therefore, it has leased 154,778 hectares of land in Ghana (382,464 acres) to its management (Abley, 2019). As of September, 55,161 hectares (136,306 acres) were surveyed, and a permit was obtained from the Environmental Protection Agency for farms larger than 40 hectares. Out of the total land surveyed, BAL had extracted 50 barrels of oil in 2008. BAL had successfully acquired land title from the Lands Commission for 10,696.32 hectares (26,431.18 acres) of its total land assessed by April 2009. The company expects to produce 35,000 metric tons (MT) a year of *Jatropha* oil in 2013 (equivalent to 652 barrels of oil per day). The findings indicated that the firms and investors didn't necessarily oversee the involvement of all family members but delegated that task to the family heads. Women were heavily disenfranchised and did not participate in negotiation and decision-making regarding land issues due to the chiefs

and other focal community people's lower tendency to ensure downward accountability (Agbley, 2019).

BAL was stopped from clearing large tracts of land in Allipe in northern Ghana. Following the successful clearing of land in Kpachaa, *Jatropha* was planted. In 2011, the company ceased operations and was unable to produce biofuel in a commercial quantity (Agbley, 2019). A few key employees (security and a Ghanaian representative) were still there, and farm machinery was abandoned. Fields were overgrown with weeds, and *Jatropha* plants remained.

Meanwhile, the lands cannot be claimed or reused by the community. It was not clear what the corporate social responsibility of the BAL projects was and how they were owned (Agbley, 2019). (Agbley, 2019) The BAL project was unsustainable from an environmental, social, and economic perspective.

The company had promised to provide job opportunities (about one person per 15 hectares for mechanized farming), water dams, tilling new land for indigenous farmers, maize grinding mill, a health post, and courses in tractor operation, as well as tree planting of moringa and Shea nuts (Agbley, 2019). Furthermore, the research revealed that BAL's plans included raising beehives and honey, manufacturing fire briquettes, generating electricity, and constructing schools. However, based on the research findings, these BAL plans were not detailed in a binding agreement with the communities, and the ownership structure of these proposals and schemes could not be determined (Agbley, 2019).

As a result, BAL's business operations have had an impact on the communities and made a difference in their lives. However, it failed to consult widely with local chiefs when negotiating land with them. No community members were consulted, including men of low rank and women of all ranks (high and low). Additionally, it was revealed that BAL abandoned the Allipe project and stopped operating Kpachaa but failed to replant the field with Shea nut trees, which mature after 14 years. In the recent past, *Jatropha* cultivation was part of the overall operation, and members of the Kpachaa community reminisced of those good times.

Men and women have experienced land dispossession differently. Males have been disadvantaged by the loss of common grazing pastures and hunting grounds (Daley & Pallas, 2014; Tsikata & Yaro, 2011). However, the promised jobs on the *Jatropha* plantations didn't materialize sustainably. The men of Allipe and Kpachaa lost both their farms and jobs to these large-scale commercial enterprises. (Allipe/Kusawgu) or (Kpachaa) the project failed to get off the ground. Due to the lack of food crops, workers in these communities would not have been

able to provide food in the lean season. When land is seized, women are the hardest hit (Agbley, 2019). Through the outright removal of trees, including Shea nut trees, and the failure of the local elite to include re-entry clauses in land sales, the loss of biodiversity has been exacerbated. There have been no Shea nut harvests or dried nuts in Allipe and Kpachaa, despite Shea nut sales being booming in nearby communities. The focus groups revealed that, since the land was acquired and cleared in 2007, Kpachaa had not been able to produce Shea butter or oil.

Even though communities owned the lands in their custody, no or minimal compensation was paid to them (Gasu & Agbley, 2015). Tijo Naa and Kusawguwura constituted enough compensation for Biofuel Africa, so it did not feel a need to compensate or address communities that were directly affected (Kpachaa and Allipe). Historically, Kpachaa has not had any say in land deals that affect its farming. It was understood that such arrangements are not contested. According to Boamah (2014), land tenure agreements are often executed by chiefs who allocate and dispose of land patrimonial. The compensation was not expected or demanded by Alipe and Kpachaa (Agbley, 2019).

Even so, members of the Kpachaa community report that higher wages afforded surpluses that allowed them to spend on education and general their well-being. Despite this, comparing wage labour to farm earnings may not be an accurate measure of impact. This is due to the forgone opportunity costs, such as not being able to cultivate one's food. In addition, the assumption that wages were higher than farm sales by the peasants failed to account for the savings resulting from the non-purchase of food.

It was environmentally, socially, and economically unsustainable for biofuel to grow *Jatropha* and produce biofuel in commercial quantities. Several large land parcels were cleared and abandoned. Degradation of land results from such activities (Bhaskar et al., 2015; Yiran et al., 2012). Women are vulnerable to land deals because of the breakaway from communal ownership. As a result of patriarchal dominance, LSLA has adverse effects on women and migrant workers. As a consequence of this break from communal ownership and use of lands, chiefs and family heads trade their lands for compensations that they don't share with the people who have an interest in the land. The result is economical and physical displacement for those dispossessed of their lands, especially women, who dominate the smallholder farming sector. Due to their over-dependence on land for livelihoods, women were not actively involved in decisions regarding land transactions, but they felt the detrimental effects of these choices.

Large-scale land deals are seen by many as the key to community and rural development in the host communities. These land transactions have been credited with providing jobs and social infrastructure and improving the conditions of host communities. The Biofuel acquisition shows that these transactions can have some positive effects. During the review, employment opportunities, trade enhancements, and social amenities were highlighted. In the Kpachaa community, where lands were taken from them for large-scale agricultural purposes, the members reported that the higher wages earned from wage employment led to surpluses that could be used for other non-food purchases, such as education and overall well-being (Agleby, 2019). The Kpachaa Area of the Northern Region was served by Biofuel Africa Limited, now Solar Harvest Limited. There are two dams/water reservoirs in the project, which can be used to irrigate gardens and to provide water to humans and livestock. Furthermore, they installed a grinding mill to allow women to mill their cereal without having to walk long distances or pay transport fares to other villages. Despite the prospects for improving the well-being of community members and the total development that land acquisitions hold, how the transaction is handled and the tenets of the contracts have a great deal to do with whether such land deals can meet local expectations. For the prospects of land investments to become a reality for the locals in the host communities, there must be a coordinated effort among state institutions, customary land institutions, and the investing community (or firms).

Land investment in community members in northern Ghana has been reported to result in the loss of farmland, grazing fields, and crops from savanna fields (Agleby, 2019). According to Kuusaana (2016), sharecroppers, women, migrant workers, herdsman, and community forest users are displaced from their lands. As a result of this alienation and takeover of land, livelihood sources were lost, posing a threat to well-being and survival. The most troubling aspect was that chiefs handled nearly all land transactions without the participation of locals. No custom required these chiefs to account for stool land earnings. As a result, land investment initiatives that are supposed to stimulate economic growth and social development have led to dispossession, injustices, and environmental disputes, disproportionately affecting indigenous populations. As a result of land grabs, their traditional livelihoods, which include agriculture, fishing, gathering, and hunting, have been threatened. There are several causes of food insecurity, including land loss, reduced access to resources, degraded ecosystems, and deforestation (Rafiee & Stenberg, 2018).

4.7. Discussion

4.7.1 Conforming to Different Legal Regimes

LSLA deals have been characterized by a culture of non-interference by the government over the years. There is sometimes a persistent disconnect between traditional authorities and formal land agencies due to the government's non-interference position in chieftaincy and stool land management. Moreda (2018) notes that few studies have found full compliance with statutory and customary regulations. Processes were followed, and deserving parties were compensated. Literature also documents different forms of non-compliance with various land administration regimes.

Usually, their transactions don't conform to provisions of their custodian role over pooled resources. Additionally, they are not responsible for entering into land agreements that benefit the community at large. It is like the finding of Darkwah, Medie & Gyekye-Jandoh (2017), who found that the commodification of land has led to a series of violations of traditional rules and regulations governing land acquisition.

According to Moreda (2018), most LSLAs in Africa fail to comply with land acquisition requirements. Various land management institutions failed to harmonize, which was attributed to this. As a result, community members were often alienated during the land acquisition process. An interesting observation was that firms and investors were unable to oversee the involvement of all but rather delegated that responsibility to family heads and chiefs. LSLA acquired the land without regard to the rights of those who till it, as Moreda (2018) found in Ethiopia. The process violated customary rights.

4.7.2 Institutional Shopping

Institutional shopping offers communities, smallholder farmers, tillers, and migrants an improved framework for the most efficient acquisition of lands. This framework considers the varying degrees of socio-economic, environmental, and cultural impact such land acquisitions will have on them. There has been less institutional shopping in such land deals because of the inappropriate blend of customary and statutory land institutions. Research has established that legal pluralism exists in most African countries regarding land (Kuusaana & Gerber, 2015; International Development Policy, 2014), but those mechanisms to harmonize these institutions are limited. Even though scholars have described a steadfast effort to blend both formal and customary laws and practices to manage public and private land ownership rights informed by colonial land laws and traditional customs, the endeavor has remained challenging and

contentious in LSLA discourse. There is a weak link between statutory land management institutions, local land management institutions, and traditional local authorities, which can lead to exploitation. A pluralistic legal regime is largely dependent on traditional land ownership in most African countries, including Ghana. To address this peculiar challenge, land management should integrate customs into statutory land access and land use measures (Darkwah et al., 2017). The findings, however, showed a lack of coordination and collaboration among various land management authorities. The process of community alienation from their lands was being violated and abused.

4.7.3 Impacts from legal pluralism, positive impacts, negative impacts

The communities where the studies were conducted reported some positive impacts of land investment. Review participants identified access to employment, enhanced trade, and infrastructure. One of the papers reviewed reported higher wages earned from wage employment, which led to surpluses that financed non-food purchases such as education and general well-being. According to these findings, large-scale land deals entail taking lands from smallholder farmers for large-scale investments, with a trickle-down of direct and indirect benefits to those who give up their lands (Moreda, 2018; Berdegué, 2013). These reasons contribute to most African governments' view LSLAs as a 'win-win' proposition and not as a bad thing. Host communities gain employment, development, industrialization, and food security (World Bank, 2010). Accordingly, LSLAs are perceived as economic development tools (Zetterlund, 2013).

Several communities received infrastructure projects, such as dams/water reservoirs, which provide drinking water to humans, and livestock and can be used to irrigate gardens. In the literature, communities and families who relinquished their land for investment purposes were adequately compensated. In addition, corporate social responsibility was reported, although it was not documented in complex laws or national regulations that specifically required the creation of jobs for large-scale transnational farms. According to the literature, LSLA provides a few social and economic benefits, including overall rural development and access to infrastructure (Boamah, 2011; Schoneveld et al., 2011), among many others.

Those expelled from their lands suffered several adverse effects on their livelihood, mainly if they farmed. Due to this, they became more susceptible to being displaced by internal migrants and farmers who provided very little return to landowners compared to LSLA. Past evidence indicates that local food security was reduced after LSLA (German et al., 2011; Deininger et

al., 2011; Cotula et al., 2009). Tsikata and Yaro (2011) suggest that large-scale land acquisitions to produce export crops may hold back food insecurity. Disrupting livelihood sources has caused problems for the local economy and way of life. The legal pluralism makes smallholder farmers and women vulnerable to LSLA deals, as they are often forced to relinquish land without compensation. Among the impacts on land investment were food insecurity due to the loss of farmlands, loss of grazing fields, and loss of cash crop products from savanna fields. Instead of fostering economic growth and social development, land investment projects have caused dispossessions, injustices, and ecological conflicts that profoundly affect indigenous communities.

The optimists of large-scale land deals believe such land transactions hold the piece to community and rural development in the host communities. The provision of jobs, social infrastructure, and improved conditions of host communities of these land deals are the highly touted consequences of such land transactions. Evidence from the literature review suggests that there are some positives to such transactions. Access to employment; enhanced trade and infrastructure (mainly schools) (Quansah & Mensah, 2020; Darkwah et al., 2017), employment, and social amenities (mainly hospitals, schools, and roads) (Fonjong, 2017) were identified in the review. In the study by Darkwah et al. (2017), access to employment and enhanced trade were made possible by the fact that the employees in the firms had more disposable income to purchase everyday products, and the enhanced provision of infrastructure was reported. In Northern Ghana, specifically in the Kpachaa community, where lands were taken up from the community for large scale agricultural purposes, the members reported that the higher incomes earned from wage employment led to surpluses that financed other non-food purchases such as education and general contentment of well-being (Quansah & Mensah, 2020; Agbley, 2019).

In the study of Tsikata and Yaro (2011), it was reported employment, investments in food crops, non-food crops, and housing were the identified benefits of such land investments. The study reported that the project originally employed more than one person per household as agricultural laborers earning a good wage of 77 Ghana cedis. This was confirmed by the men's focus group discussion. This completely changed the lives of many within the space of one year of establishment of the first phase of the farm, according to the respondents. Nevertheless, once the *Jatropha* plants were planted, the need for labour to maintain the farm reduced. This, in addition to the financial crisis of the company, led to the retrenchment of all but workers from the village as of January 2011 (Tsikata & Yaro, 2011). That said, the project provided

employment opportunities to the community members at some time. Preferential hiring policies that created employment for locals were reported by German et al. (2011b), where this improved the well-being of the communities.

Other positive benefits of the land acquisition within the Ghanaian context have to do with areas designated for community farming within leased land and (temporary) agricultural input subsidies to enable agricultural intensification and offset the effects of the land shortage on the viability of the traditional bush-fallow system (German et al., 2011b). In the works of Tsikata and Yaro (2011), the Prairie Volta Rice Limited Project and the Biofuel Africa Limited, Now Solar Harvest Limited in the Kpachaa Area of the Northern Region delivered infrastructural projects to the communities. These infrastructural projects include two dams/water reservoirs which are the main source of water for humans and livestock and may be used to irrigate gardens. They also installed a grinding mill to enable women to mill their cereal without having to walk long distances or pay transport fares to other villages. The project in Volta Region initiated a process of paying the volunteer teacher for the local primary school, which is not on government support (Tsikata & Yaro, 2011).

The payment of adequate compensation to communities and families who relinquished their lands for investment purposes was reported by (Darkwah et al., 2017; Fonjong, 2017; Kuusaana, 2016; German et al., 2011a; German et al., 2011b; Tsikata & Yaro, 2011). Nonetheless, Kuusaana (2016) noted that the real beneficiaries in the compensation that ensues from such large scale land deals go to chiefs and family heads entrusted with allodial lands and other resourceful local elites – to the detriment of community members and smallholder farmers, and other people who vested interest in lands. Kuusaana (2016), however, made the point that on real occasions, some chiefs negotiate for the employment of community members, corporate social responsibility initiatives like building and renovating schools, the provision of scholarship schemes to needy but brilliant students, teachers' bungalows, teachers' remuneration, and also teaching and learning materials (Kuusaana, 2016).

Despite these arrangements, no hard laws or national regulations specifically enforce employment creation on large-scale transnational farms (Kuusaana, 2016). Most of the clauses in the lease document are vague and non-binding on the company making the employment of locally affected people impossible. Thus, have not only expectations of wage employment been unmet, but also the hopes of in-direct jobs (Gyapong, 2020; Darkwah et al., 2017; Fonjong, 2017; Kuusaana, 2016; German et al., 2011a; German et al., 2011b; Tsikata & Yaro, 2011). It

thus suggests that although, in principle, the land acquisitions hold prospects for improvement of the well-being of community members and for total development, how the transaction is handled and the very tenets of the contracts to a large extent, influence the viability of such land deals to meet local expectations. It presupposes that translating the prospects of the land investments into a positive reality for the locals in the host communities requires a consented effort from state institutions with a vested interest in land, customary land institutions, the investing community (or firms), and the locals (who are often required to give up lands upon which their livelihoods and sustainability depends).

The concluding part of the previous section depicts the reality of large-scale land acquisitions in Ghana. The impacts on livelihoods, poverty, and justice are captured under four sub-themes of displacement and resettlement to infertile lands –disruption of livelihoods; payment of no or little compensation; effects on well-being; and other effects – impacts on the environment and their health and the destruction of water bodies. These sub-themes are discussed in the following sessions.

Large-scale land acquisitions require the alienation of communities who often depend on these tracts of land for livelihoods to make way for the huge agricultural and energy projects. This alienation from lands that served as livelihood sources for them for several years holds the potency to push the communities into poverty and destitution. Displacement of internal migrants and farmers who did not provide many returns to landowners compared with LSLA was reported by some of the papers (Darkwah et al., 2017; Lavers & Boamah, 2016; Nolte & Vãth, 2015). This disruption of livelihood sources, according to (Darkwah et al. (2017), led to the disruption of the local economy and ways of living. In an attempt to undo the vulnerabilities associated with the alienation from the lands they use to cultivate, landowners sometimes resettle migrant settlers onto infertile lands, which hampered food security (Darkwah et al., 2017; Lavers & Boamah, 2016; Nolte & Vãth, 2015). The legal pluralism has made women and smallholder farmers vulnerable to LSLA deals (Nolte & Vãth, 2015) since they are often thrown out of lands with no compensation. As such, women's land rights which were insecure under 'normal circumstances,' have become even more insecure as the custodians of land (chiefs, family heads, and even the state) have been drawn into a neoliberal, capitalist economy, the tenets of which are at cross purposes with the communitarian philosophy of traditional Ghanaian communities.

The breakaway from communal land ownership to individual ownership and its attendant challenges (Fonjong, 2017; Lavers & Boamah, 2016) has made women vulnerable in land deals. Patriarchal dominance has been reported by other scholars (Darkwah et al., 2017; Lavers & Boamah, 2016; Nolte & V  th, 2015) as the cause of the deleterious impacts that LSLA has on the women and migrant workers. This breakaway from communal ownership and usage of lands tends to make chiefs and family heads trade lands for compensations – which they oftentimes do not share with other people with interest in those lands. The resulting consequence for those who have been alienated from their lands is the economic and physical displacements that they face, mostly for women who dominate the smallholder farming divide (Fonjong, 2017). The community members, migrants, and family members were left with no land and no compensation or inadequate compensation (Lavers & Boamah, 2016; Nolte & V  th, 2015). And unfortunately for those affected, since the agreements between landowners and settlers were not documented, no alternative plans were made for breaching contracts (Lavers & Boamah, 2016; Nolte & V  th, 2015). At best, what the landowners did was relocate the migrant settlers onto infertile land, which hampered their food security. While women were not actively involved in the decision-making regarding land transactions, they felt the brunt of the ill-effect of these decisions (Darkwah et al., 2017) due to their over-dependence on land for livelihoods.

Food insecurity from the loss of farmlands, loss of grazing fields, and food and cash crop products from savanna fields were reported as impacts the land investment have on the community member in Northern Ghana (Agleby, 2019). This confirms the findings of Kuusaana (2016), where sharecroppers, women, migrant workers, herdsmen, and community forest users were alienated from their lands. This alienation and takeover of lands led to the loss of livelihood sources and its attendant repercussions on well-being and survival. The worst part of it all was that the chiefs, in acting as trustees of customary land, front all land transactions with limited involvement of communities, and these chiefs were not obliged by any custom to account for stool land revenue (Kuusaana, 2016). Land investment projects aimed at inspiring economic and social development have, however, resulted in dispossessions, injustices, and environmental conflicts wherein indigenous communities have been deeply affected. Their traditional livelihoods, based mainly on cultivation, fishing, gathering, and hunting, have been threatened by several impacts from the land grabs. These include loss of land, declined access to resources, damaged ecosystems, deforestation, and lack of alternative ways to maintain food security (Rafiee & Stenberg, 2018).

Uptake of lands from communities is expected to come with compensation to communities – dependent on the negotiating ability of the communities' team. Evidence of payment of no compensations or meager compensations abounds in the literature (Darkwah et al., 2017; Fonjong, 2017). German et al. (2011b) found that the absence of intermediaries exposed negotiations to potentially exploitative conduct of Traditional Councils and prospective investors. Investors who do not operate in "good faith" easily exploit the ignorance of chiefs, who are often unfamiliar with the true market value of land, unaware of the potential long-term implications of alienation, and easily swayed by "development" prospects (German et al., 2011b). Traditional Councils, for their part, were found to under-report proceeds to government agencies and ignore or downplay their fiduciary duties in the face of opportunities for personal enrichment (German et al., 2011b). Any compensation paid to affected persons in these countries is discretionary. This leaves the ultimate decision up to the investor or government agency negotiating with affected persons and is dependent upon the community's legal awareness and savvy in evoking their customary land rights to extract meaningful levels and forms of compensation (German et al., 2011b).

German et al. (2011b) went further to establish that no formal compensation measures had been proposed by investors or traditional authorities. In justification thereof, consistent expectations were expressed by traditional authorities that large-scale investments in the area would instead contribute to job creation, market opportunities, and social infrastructure. This arrangement poses many challenges to community members who are alienated from their lands and livelihood sources without compensation. Elsewhere, Kuusaana and Gerber (2015) identified in their study that documented difficulties with compensation further reveal the extremely vulnerable position of smallholder farmers in Ghana in the use of customary land without title. This finding is consistent with that reported in other studies where lands were taken from smallholder farmers and community members for large-scale investments without compensation (Darkwah et al., 2017; Lavers & Boamah, 2016). While this is so, in the study of Ahmed et al. (2019), the community chiefs of Otumi and Asoum – two of the communities in which lands were taken for large scale investments suggest that many of the compensation recipients did not use the cash compensation offered in the 1990s judiciously. The community members, however, blame the chiefs for misusing their position to bargain for personal benefits other than to improve community development (Ahmed et al., 2019). This made the authors

conclude that the genesis of the current community dissatisfaction in the land investment area is not necessarily linked to lack of compensation (Ahmed et al., 2019).

The ultimate consequence of alienation is the effects on food security and other dimensions of human well-being. In the study of Mabe et al. (2019), it was identified that the food security index, economic security index, health security index, sanitation security index, water security index, shelter security index, and social security index for households living in communities without land acquisition is significantly higher than their counterparts in communities with land acquisition. The results, therefore, revealed that land acquisition has substantial negative effects on the livelihoods and well-being of the households; in another study by (Victory et al. (2017), the participants had farming as their livelihood activity and a major source of food and income, but this had, however, declined by 60% after the land acquisition for the *Jatropha* project. This demonstrates the substantial impact of the land investment on their livelihood source and income.

Kansanga (2017) found that disparities in benefiting from land revenue in Ghana were customarily anchored, and prevailing land and agricultural policies offered limited remedies for vulnerable groups. The imbalanced power relations between land custodians and land users influence who benefits more from land investments. Chiefs and family heads that are entrusted with allodial titles were seeming to be gaining the most from emerging land market dynamics, while smallholders who cultivated land under unsatisfactorily secure tenure, such as sharecroppers, women, and poor community commoners, were the most adversely affected (Kansanga, 2017). Similarly, Quansah and Mensah (2020) found that large-scale land acquisition has a significant negative high effect on the income levels of smallholder farming households. The loss of lands has led to the long-term deterioration of livelihoods, which contravenes the Traditional Councils' fiduciary responsibility – of championing the welfare of their subjects, as explicitly stated in the Constitution and alluded to in other laws (German et al., 2011a). Surprisingly, German et al. (2011a) noted the inability of communities to fight for their rights was underscored by the limited capacity among affected households to claim their legal rights, customary deference to chiefly authority, and unrealistic positive expectations of future developmental benefits. The discussion so far suggests that the land investments did not bring the intended development that the proponents of LSLA deals envisage.

Other negative effects that have some linkage to livelihood disruption and well-being include the health impact of the plantation and the poor quality of the water source provided (Darkwah

et al., 2017). The projects which are the focus of the study hung in the balance without providing the needed jobs promised. The study of Williams et al. (2012) showed that due to a lack of an approach that jointly considers land and water management policies and institutions in acceding to large-scale land deals, the benefits derived by local people were insufficient to cover the involuntary permanent loss of their water rights and livelihoods and the risks posed to ecosystem services.

The Biofuel Africa Limited (BAL) in northern Ghana cleared large tracts of land in Allipe and was stopped. In Kpachaa, after the successful clearing of land, *Jatropha* was planted. The company, however, ceased operations in 2011 and could not produce any commercial quantity of biofuel. It maintains a few key staff (security and Ghanaian representative) as well as abandoned farm machinery. The *Jatropha* plants were abandoned, and the fields were overgrown with weeds. Meanwhile, community members are unable to claim the lands back or reuse them. The corporate social responsibility of the BAL projects was not stated in a binding agreement with the communities, and the ownership structure of these proposed projects and schemes was hard to tell (Agleby, 2019.). All these combined, the BAL project was environmentally, socially, and economically unsustainable (Agleby, 2019).

The investments in land in the communities had resulted in competing claims over shared agricultural lands at the family level. As such, the LSLA deals have created intra-familial agricultural land conflicts (Kansanga et al., 2018; Lavers & Boamah, 2016). Other impacts identified in the review were that economically, the land deals were not able to generate the levels of employment needed as alternative livelihood activities for 'all' displaced people, particularly women (Lavers & Boamah, 2016; Tsikata & Yaro, 2011). Inadequate compensations in the workplace, both in terms of salary and benefits for locals working in the plantations (Darkwah et al., 2017), were other reported impacts of the land investments. The inability of the projects to generate employment to match the expectation of the communities, according to Gyapong (2020), is the absence of laws or national regulations that specifically enforce employment creation on large-scale transnational farms. Most of the clauses in the lease document are vague and non-binding on the company making the employment of locally affected people impossible. Thus, not only have expectations of wage employment been unmet, but also the hopes of in-direct jobs (Gyapong, 2020).

4.7.4 Impacts of Large-Scale Land Acquisition on Human Rights

Large-scale land acquisitions in Ghana have had a significant impact on the local community, including indigenous groups. This impact is the result of the legal pluralism regimes that exist in Ghana. Land ownership in Ghana is heterogeneous, with customary authorities owning about 80% and the state owning 20% (Antwi & Adams, 2003; Arko-Adjei, 2011; Bentsi-Enchill, 1964; Ollennu, 1962). In facilitating large-scale land deals, the government and traditional leaders violate human rights. For the investor to maintain regimes favorable to their investments, they suppress human rights directly or indirectly. This paper analyses the human rights impacts of large-scale land acquisition in Ghana using a recent report, a literature review, and relevant human rights instruments, standards, and principles.

Human rights are universal, inalienable, and inviolable rights that all human beings are endowed with, and the state has an obligation to promote, defend, and respect these rights. The inalienability of these rights is reaffirmed in the Right to Development – where the emphasis is on one's right to participate and enjoy development and must not suffer any form of discrimination or injustice while providing or enjoying the outcomes of development initiatives. The onus lies on states to formulate policies that provide for safeguard the rights of individuals even in the quest to provide development (Dabala, 2020). Yet, reports suggest that large-scale land investments are undermining local communities' rights in Africa, particularly in Ghana. These large-scale deals in Ghana are an indication of the availability of arable land, the legal pluralism that Ghana operates under, its weak land governance system, and the government's support of such investments. This large-scale investment is being welcomed by the Ghanaian government, which hopes to boost productivity, create jobs, and transfer technology to its farmers. Their primary concern, however, is the impact of such investments on local communities. Despite the existence of regulatory and legislative instruments to protect host communities, evidence abounds on breaches and violations (Darkwah, Medie & Gyekye-Jandoh, 2017). It is therefore important to explore and ascertain the implications of large-scale land acquisition justice [one of the dimensions of human rights, especially in the event of violations against one's rights and privileges].

From the cases presented above is evidence that despite international instruments and state obligation in safeguarding the rights of people, Darkwah et al., 2017 made significant revelations in Lavers & Boamah, 2016 that lands were taken from smallholder farmers and community members for large-scale investments without compensation (Darkwah et al., 2017; Lavers & Boamah, 2016). The evidence reported has a direct correlation with article 17 of the

universal declaration on human right, which outline that everyone has the right to own property alone as well as in association with others, and it further posits that no one shall be arbitrarily deprived of his property. The new wave of large-scale land acquisition breaches and violates these rights, as confirmed by Darkwah et al., 2017. The indigenous right to property was violated, and such it subjects these people to a state of vulnerability. In addition, displacement and resettlement, destruction of water bodies, and local economic ways of living were infringed upon, which has direct impacts on the well-being of these groups. Again, it was reported in one of the review papers that there was a complete absence of transparency, information sharing, participation, and accountability in land transactions, which resulted in dismay as to whether compensation was paid or no payment, which undermines the guiding principles of AU in accordance with large-scale land investment. Displacement of internal migrants and farmers who did not provide many returns to landowners compared with LSLA was reported by some of the papers (Darkwah et al., 2017; Lavers & Boamah, 2016; Nolte & Vāth, 2015). The disruption of livelihood sources, according to (Darkwah et al. (2017), led to the disruption of the local economy's ways of living. To undo the vulnerabilities associated with the alienation from the lands they use to cultivate, landowners sometimes resettle migrant settlers onto infertile lands, which hampered food security (Darkwah et al., 2017; Lavers & Boamah, 2016; Nolte & Vāth, 2015). Land investment projects aimed at inspiring economic and social development have, however, resulted in dispossessions, injustices, and environmental conflicts wherein indigenous communities have been deeply affected. Their traditional livelihoods, based mainly on cultivation, fishing, gathering, and hunting, have been threatened by several impacts from the land grabs. These include loss of land, declined access to resources, damaged ecosystems, deforestation, and lack of alternative ways to maintain food security (Rafiee & Stenberg, 2018). An interesting observation was that firms and investors were unable to oversee the involvement of all but rather delegated that responsibility to family heads and chiefs. LSLA acquired the land without regard to the rights of those who till it, as Moreda (2018) found in Ethiopia. The process violated customary rights. Considering the reviews and analyses of the relevant international instruments, principles applicable to large-scale land investments, and the 1992 constitution of Ghana, the Article concludes that these instruments recognize substantive and procedural rights and impose strict adherence to these rights in the development process. It was concluded in the Article that large-scale land investment in Ghana violates the substantive rights of the Ghanaian people, including their right to food, their right to development, their right to culture, their labour rights, their environmental rights, and their

right to self-determination. In addition, such large-scale investments disregard procedural rights like participation, informed consent, and access to information.

CHAPTER FIVE

Summary findings, conclusion and recommendations

5.1 Introduction

The focus of this chapter is on the summary of findings, conclusion, and recommendations. This comprises four key sections: summary of findings; conclusion, recommendations; and areas for further study.

5.2 Summary of Key Findings

This aspect of the research is organized about the study objectives. It is divided into three paragraphs. The first paragraph presents the Extent to which large-scale land acquisitions in

Ghana conform to different legal regimes. The second component deals with whether stakeholders in large-scale land acquisitions engage in institutional shopping. The third part brings on board the implications of large-scale land acquisitions and legal pluralism in Ghana on livelihoods, poverty, and justice.

5.2.1 Extent to which LSLA in Ghana Conform to Different Legal Regimes

The findings reveal that there has been a culture of non-interference of government in the LSLA deals over the years. The prevailing non-interference position of government in chieftaincy and stool land management sometimes creates a persistent disconnect between the traditional authorities and formal land agencies. Few studies reported full compliance with statutory and customary regulations. Due processes were followed, and compensations were paid to deserving parties. On the other hand, different forms of non-compliance with different land administration regimes were reported in the literature. In most cases, their transactions do not fall in line with provisions of the custodian role they play over communal resources and the responsibility they must enter into land agreements that bring benefits to the community at large. Community members were often alienated in the land acquisition processes. One interesting outcome was that firms and the investors did not oversee the involvement of all but delegated that responsibility to chiefs and family heads. The LSLA acquisition was without recourse to the rights of those who till the land. Customary land rights were trampled upon during the process.

5.2.2 Impacts of LSLA and legal pluralism in Ghana on Livelihoods, Poverty, and Justice

Some positive impacts were reported as consequences of the land investments in the communities in which the studies were conducted. Access to employment, enhanced trade and infrastructure (mainly schools), employment, and social amenities (mainly hospitals, schools, and roads) were identified in the review. Higher incomes earned from wage employment which led to surpluses that financed other non-food purchases such as education and general contentment of well-being was reported in one of the papers reviewed. Infrastructural projects like dams/water reservoirs which are the main source of water for humans and livestock and may be used to irrigate gardens, were provided for some communities. The payment of adequate compensation to communities and families who relinquished their lands for investment purposes was reported in the literature. Corporate social responsibilities were also

reported, although these were not documented in hard laws or national regulations that specifically enforce employment creation on large-scale transnational farms.

The alienation of the communities had several negative implications on their livelihoods – especially for those who used to farm, thereby increasing the vulnerability of those who are alienated from their lands to poverty. Displacement of internal migrants and farmers who did not provide many returns to landowners compared with LSLA was reported by some of the papers. This disruption of livelihood sources has led to the disruption of the local economy and ways of living. The legal pluralism has made women and smallholder farmers vulnerable to LSLA deals, as they are often forced to relinquish tracts of land without compensation. Food insecurity from the loss of farmlands, loss of grazing fields, and food and cash crop products from savanna fields were reported as impacts the land investment. The land investment projects, which aim at inspiring economic and social development, have, however, resulted in dispossessions, injustices, and environmental conflicts wherein indigenous communities have been deeply affected.

Institutional shopping also provides an improved framework for the most optimal uptake of lands from communities, smallholder farmers, tillers, or migrants – with an assured compensation that matches the varying degrees of socio-economic, environmental, and cultural effects such land uptakes could have on them. The inappropriate blend between customary and statutory land institutions has led to a lower tendency of institutional shopping in such land deals. Although literature reported evidence of unflinching effort to blend both statutory and customary laws and practices in the management of public and private land ownership rights informed by previous colonial land laws and traditional customary practices, the endeavor has remained quite challenging and contentious in the discourse of LSLA. The studies reported a weak relationship between the statutory land management institutions, the customary land institutions, and the traditional authorities. This created room exploitation.

5.2.3. Impacts of large-scale land acquisition on human rights

The new wave of large-scale land acquisition breaches and violates these rights, as confirmed by Darkwah et al., 2017. The indigenous right to property was violated, and as such, it subjects these people to a state of vulnerability. In addition, displacement and resettlement, destruction of water bodies, and local economic ways of living were infringed upon, which has direct impacts on the well-being of these groups. Again, it was reported in one of the review papers that there was a complete absence of transparency, information sharing, participation, and

accountability in land transactions, which resulted in dismay as to whether compensation was paid or no payment, which undermines the guiding principles of AU in accordance with large-scale land investment. Displacement of internal migrants and farmers who did not provide many returns to landowners compared with LSLA was reported by some of the papers (Darkwah et al., 2017; Lavers & Boamah, 2016; Nolte & Vãth, 2015). The disruption of livelihood sources, according to (Darkwah et al. (2017), led to the disruption of the local economy's ways of living. To undo the vulnerabilities associated with the alienation from the lands they use to cultivate, landowners sometimes resettle migrant settlers onto infertile lands, which hampered food security (Darkwah et al., 2017; Lavers & Boamah, 2016; Nolte & Vãth, 2015). Land investment projects aimed at inspiring economic and social development have, however, resulted in dispossessions, injustices, and environmental conflicts wherein indigenous communities have been deeply affected. Their traditional livelihoods, based mainly on cultivation, fishing, gathering, and hunting, have been threatened by several impacts from the land grabs. These include loss of land, declined access to resources, damaged ecosystems, deforestation, and lack of alternative ways to maintain food security (Rafiee & Stenberg, 2018).

5.3 Conclusion

There is an unflinching effort to blend both statutory and customary laws and practices in the management of public and private land ownership rights informed by previous colonial land laws and traditional customary practices, an endeavor that has remained quite challenging and contentious in the discourse of LSLA. The inefficiency of this effort has created weak linkages among the major institutions and stakeholders in large-scale agro investments, while the powers of the government are limited in customary grants. All these effects are because of the insufficiencies in the country's land governance systems and are partly caused by discrepancies between de jure and de facto procedures. In effect, these land investment projects aimed at stimulating economic and social development have resulted in dispossessions, injustices, and environmental conflicts wherein indigenous communities have been deeply affected. Their traditional livelihoods, based mainly on cultivation, fishing, gathering, and hunting, have been threatened by several impacts from the land grabs. While employment and the social infrastructure provided by the firms sometimes help alleviate the plights of the communities –

these were less significant compared to the deleterious impacts of the alienation from their lands.

Overall, politically powerful chiefs have sought to re-assert their authority over land and the local population by allocating community land to investors based on investors' demands rather than the priorities of the state. This strategy has been employed to strengthen chiefs' territorial claims concerning neighbouring authorities and to cultivate patron-client networks as both local citizens and migrants in biofuel project areas are increasingly dependent on personal ties with chiefs and other local political elites to maintain their livelihoods. This expansion of chiefly authority directly limits state infrastructural power by undermining the capacity of the state to regulate investments and creating a situation in which many biofuels investment projects have proceeded without the state recognition. The findings have implications for re-examining future land investment to position it in a more desirable situation. Improving the interconnectedness and synergy between the customary land institutions and the statutory institutions while re-engineering the customary voice in ownership and decision-making regarding the use of community lands will help improve the outcomes of such land deals. It, therefore, behoves all actors to play their required roles in the process to ensure more favourable outcomes.

5.4 Recommendations

The above-highlighted findings of the study call for policy recommendations in order to improve the processes of large-scale land investments in Ghana.

5.4.1 Institutional Synergy

The review discovered that institutional synergy was quite lacking, although attempts are being made to improve the current relationship between the various land management institutions. It is recommended that efforts should be made to integrate the various land management institutions to create better synergy for harmonization and congruence. This will help improve the current regime in which weak integration and coordination among the various institutions have produced an atmosphere in which land deals do not always yield the intended benefits. Bringing the customary and statutory land management institutions together would produce a more appropriate condition to harness the potential of large-scale land investments.

5.4.2 Community Participation

The evidence demonstrated that community engagement and participation in the land alienation process were weak or non-existent on some occasions. This sometimes creates a situation in which the required compensation and alternate livelihoods are not provided for the community members. It is recommended that proper community engagement channels should be institutionalized to avert the situation. Additionally, it is recommended that community and participation should not be a delegated responsibility of the chiefs and family heads – who sometimes use the land investment opportunity to push their selfish gains. The investors should ensure that they consult with the community and people who currently use the land. This will go a long way to help improve land investment outcomes for community members who are alienated from their lands. Additionally, it will help reduce the conflicts that sometimes ensue between the firms and the communities.

5.4.3 Involvement of Intermediaries

The absence of intermediaries was found to expose the negotiations to potentially exploitative conduct by chiefs and prospective investors. The investors who do not always operate in "good faith" were found to easily exploit the ignorance of chiefs and family heads, who are often unfamiliar with the true market value of land, unaware of the potential long-term implications of alienation, and easily swayed by "development" prospects. Traditional Councils, for their part, were found to under-report proceeds to government agencies and ignore or downplay their fiduciary duties in the face of opportunities for personal enrichment. The study recommends that intermediaries with expertise in land alienation processes should be involved to help improve the outcomes for both parties – especially for community members.

5.4.4 Adequate Compensation to Affected Parties

Land transactions were found to be characterized by a lack of transparency, information sharing, participation, and accountability. This often ends up with non-payment of compensation to people who have been alienated from their lands or the payment of minimal compensations to the alienated community members. The involvement of the community members and intermediaries and creating a synergy between the land management institutions could help create a robust working environment to protect the interest of community members while ensuring that appropriate and commensurate compensations are paid to the affected parties. Beyond the payment of commensurate compensations, this will help ensure that community members get a fair share of their compensations. Additionally, this could provide

a situation in which the community can bargain for more communal benefits rather than individual or personal benefits, which some chiefs and family heads were accused of doing. Overall, the interest of the community could be protected, something which is not quite upheld in the current regime.

5.4.5 Documentation Corporate Social Responsibility and Employment Promises

There is a difference between contractual agreements of customary and statutory land deals. While verbal agreements were deemed as valid contractual agreements under customary statutes and practices, these are mere sayings and hold no value within the sphere of statutory regulations and large-scale land investments. This contradiction makes chiefs and the community members vulnerable to exploitation. They easily interpret verbal communications to be binding agreements. To their displeasure, the firms do not live up to those promises since they are not binding. To this Extent, attempts must be made to document corporate social responsibility and employment promises by the investors. Beyond that, measures to redress the failure of the investors to live up to such promises should be stipulated. That way, social infrastructure could be provided in the communities to improve the overall well-being of the members.

5.4.6 More State Involvement in the Processes

In practice, the state does not evaluate or influence the content of contracts between Traditional Councils and investors. Traditional Councils and investors do not evaluate each other's contracts, and the state does not influence them. Traditional Councils and investors do not evaluate each other's contracts, and the state does not influence them. Traditional Councils and investors do not evaluate each other's contracts, and the state does not influence them. This non-interference approach of the state to large-scale land deals undermines the direct and indirect responsibility of the state to its citizens as captured in the Directive Principle of State Policy. In order to avoid the situation, more state involvement in community alienation should be encouraged in order to avoid this situation, more state involvement in community alienation should be encouraged. By so doing, the state can assert its powers and ensure that it protects its citizens from exploitation and alienation from their livelihood sources without so many consequences.

5.4.7 Areas for Further Study

The study examined the implications of large-scale land acquisition on human rights in Ghana; with specifications on the Extent to which the land investments conform to different legal

regimes; the engagement in institutional shopping by the stakeholders; and the implications of large-scale land acquisitions and legal pluralism in Ghana on livelihoods, poverty, and justice. While the study has largely established that the land alienation processes do to always conform to statutory provisions, they do have tremendous impacts on the livelihoods of the communities. The study was unable to uncover all issues related to land investments in Ghana. To this end, it is recommended that future research should explore the mechanisms adopted by the community members to deal with grievances with the investors. Also, the research should explore the mechanisms the firms use to deal with conflicts with the communities.

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APPENDIX

Table A 1: Focused Themes, Broader Themes and Quotation from the Papers

SN	Study	Conformity	Institutional Shopping	Poverty & Justice
	Darkwah et al. (2017)	Reported	Reported	Reported
	Fonjong (2017)	Reported	Reported	Reported
	German et al. (2011a)	Reported	Reported	Reported
	German et al (2011b)	Reported	Reported	Reported
	Gyapong (2020)	Reported	Reported	Reported
	Kuusaana & Gerber (2015)	Reported	Reported	Reported
	Quansah & Mensah (2020)	Not Reported	Not Reported	Reported
	Agbley (n.d.)	Reported	Not Reported	Reported
	Ahmed et al. (2019)	Reported	Reported	Reported
	Kansanga et al. (2018)	Reported	Not Reported	Reported
	Kuusaana (2016)	Reported	Reported	Reported
	Tsikata & Yaro (2011)	Not Reported	Not Reported	Reported
	Lavers & Boamah (2016)	Not Reported	Not Reported	Reported

	Mabe et al. (2019)	Not Reported	Not Reported	Reported
	Kansanga (2017)	Not Reported	Not Reported	Reported
	Nolte & V��th (2015)	Reported	Reported	Reported
	Rafiee & Stenberg (2018)	Not Reported	Not Reported	Reported
	Victory et al. (2017)	Not Reported	Not Reported	Reported
	Williams et al. (2012)	Not Reported	Not Reported	Reported