

Neo-traditionalism, chieftaincy and land grabs in Ghana

The achievement the Ghanaian state's objective of modernising agriculture by encouraging transnational capital necessarily requires the regulation of the activities of chiefs in land transactions to prevent the misuse of neo-traditional norms to dispossess community members of their rights to land. The current context of land transactions, which has been characterised by poor governance, opens the gate for opportunism by local and state elites, and the risk of transnational companies 'colonising' large parts of rural Ghana. Without fundamental institutional reforms and social protection mechanisms which privilege the land rights of smallholders, large-scale transnational land acquisitions threaten the socio-economic development of rural Ghana.

There has been an outcry against the selling of land by chiefs and other customary authorities in Ghana as land commercialisation spreads across the length and breadth of country over the past three decades. Commercialisation is a contested issue in policy discourses. On the one hand, it is considered a sign of modernisation

and the ability of customary land tenure systems to evolve efficiently. On the other hand, it has been blamed for the widespread disenfranchisement of many citizens. As it has unfolded, commercialisation of land demonstrates how modern forces without appropriate institutional guidance can satisfy ideological desires without meeting the specific goals of poverty eradication and reducing inequalities. Chiefs in Ghana have therefore appropriated the process of land sales without giving a voice to citizens who now fit the description of subjects (Mamdani, 1996).

In the context of widespread appropriation of land by chiefs and major clan heads, how are current land deals by transnational companies enabled and facilitated? What has been the role of the state in mediating these processes? What consequences are associated with chiefly sales of land to transnational companies? While the issue of chiefly appropriation and sale of lands is seriously discussed among citizens losing land, in the media and by politicians, there have so far been no responses by the State to alter these

processes to the benefit of the disenfranchised. The interpretation of custom by chiefs needs an intervention in order to ensure a fair, transparent and equitable process. Indeed, traditional customs need reinterpretation in order to keep up with the dynamic world, and these changes should enhance human welfare and not cause reverses.

The increasing commercialisation of land is a symptom of neo-traditional institutional changes emerging from the reinterpretation of African customary systems by chiefs as a result of population growth, urbanisation and neoliberal policies. The introduction of structural adjustment policies in the 1980s facilitated an already growing urban drift of a population struggling to survive on agriculture (Obeng-Odoom 2012). Improved conditions in towns and cities as a result of urban-biased policies led to large rural-urban migrations (Abdulai and Ndekugri 2007). The neglect of food crops and the focus on export crops (e.g., cocoa) and other non-traditional crops (e.g., pineapple, papaya, cashew and mangoes) has greatly reduced rural living conditions, accelerating these rural-urban migrations. A growing informal economy has facilitated the demand for land for housing. This demand exploded overnight within a context of poor enforcement of planning regulations by state land institutions.

The Land Administration Project

It was not until the 1990s, when the land markets were described as chaotic and unbeneficial except to a few chiefs and thugs (Kasanga and Kotey 2001) that the World Bank decided to support the Ghana government implement the land administration project (LAP). The LAP sought to get the institutional apparatus of the state functioning again in order to strengthen land markets. However, it served to facilitate the uncustomary sale

of land by local power holders and transform land into a commodity within a reformed customary tenure system controlled by powerful stakeholders excluding the voices of the poor. The consequences do not match the objective of promoting equity through fair and transparent local land transactions.

The LAP gave rise to a policy of non-interference by the state with respect to local-level land appropriation by chiefs who had succeeded in reinventing tradition thereby allowing them to sell land without accountability to their people (Yaro 2010). Ghana's Constitution of 1992, which put the power to manage land in the hands of chiefs and principal landowners, effectively opened up a plethora of problems for citizens. This situation has created a foundation that facilitates the acquisition of large-scale lands by the local elite and foreign companies in the new rush for biofuel and food production.

'Empty lands'

Ghana has substantial areas that are sparsely populated, often referred to as 'empty lands'. These areas include the southwestern forest zone, the middle transition zone, the northern part of the Volta Region and parts of northern Ghana characterised by isolated farms interspersed with bush lands. These so-called 'open lands' have become the target of transnational companies seeking land to cultivate jatropha, sugarcane, rice and maize, among others. In reality, such lands include bush lands or commons, which are the sources of valuable resources which supplement other agrarian livelihood activities and protect the long term survival of smallholder agriculture. As well, the experience of decades of land acquisitions for commercial agriculture, mining and logging shows that often, significant portions of these sparsely populated areas do not support the low

technological base and needs of smallholders, and are therefore not readily inter-changeable with the more convenient and fertile lands they lose in these large scale acquisitions. Thus while large-scale land deals fit with the government's overall vision of modernising agriculture and increasing agricultural GDP with anticipated results such as improved availability of food for local markets, employment, and linkages to other sectors of the economy, they constitute a threat to smallholder livelihood activities. Even though the state expresses support for small scale farmers, in reality there is a strong preference for large scale farms, evident in the association of government officials with big companies, granting of prizes to model companies, and facilitation of their operations. This is in line with the ideology that foreign direct investment is the panacea for national development crisis. Within this thinking is the assumption that small farms are less efficient than large farms, which is an oversimplification of a complex issue. Small farmers have a track record in Ghana for cocoa and oil palm exports in addition to meeting the food needs of the population. Rather, faulty/inappropriate government and IMF/World Bank policies have reduced their competitiveness over the years.

Processes of land acquisition

The process of acquiring lands for large-scale commercial agriculture by investors is typically characterised by company officials accompanied by a local person who introduces them to a chief. The local person would have already convinced the chief and elders of the benefits of the transaction to both the chief and the community. Community mobilisation exercises and environmental assessments are done to show the willingness of community members to allow their lands to be transferred to the company. Additionally, the local Environmental Protection Agency needs to be satisfied that it

would not constitute an eventual environmental problem. This is what happened in the case of Biofuel Africa in the northern region of Ghana.

Where the state is giving out the land, as in the case of Prairie Volta Rice Company Ltd, there is often little consultation with local leaders and their members. The problem with local community social assessments is the poor availability of specific information such as size of land, which portions of the community's lands are affected, how many people are to be affected and how they will be compensated with cash, new lands or other resources. Hence, many people accept the deals initially but when the surveyors and bulldozers roll in, the reality and enormity of the problems emerge. By this time, it becomes difficult to reverse the process.

The state only gets involved in the process after a legal document is given by the chiefs/family heads/customary owners to the company for registration of the lease. There are no rules and mechanisms guiding these kinds of deals except for the lease period of 40 years for agricultural lands which applies to local people, local companies and international companies. The size of concessions is not regulated and therefore the Lands Commission has no option than to grant the lease.

In the Northern Region, farmers could not complain to the chiefs or the state. For instance in the case of the Biofuel Africa concession, the chief claimed that he 'owned both the people and the land and could choose to even expel the people from his chiefdom if they misbehaved by contravening his decisions' (Tsikata and Yaro 2011). Traditions of old would have prescribed the removal of chiefs acting against the interest of the citizens, but reinvented traditions classify people as subjects whose rights are contingent on the will of the chief.

Impacts of land loss

Farmers who lose their lands are relocating to poorer lands or migrating to other villages. In addition the majority of bush lands, which constitute a source of fuel wood, economic fruit trees, bush meat, grazing grounds, medicinal herbs and other ecological services, have become lost to the community. The multiple seasonal jobs that these bush lands provide are lost without commensurate employment opportunities from a company that is maximising its profits with the use of modern equipment in a capital rather than labour intensive agricultural model.

The success of chiefs in appropriating land as a chiefly asset has become a major opportunity for both national and international agents to conclude land deals. The policy of the state has been one of neutrality that feeds into promotion of large-scale commercial farming. The policy of non-interference by the State is a misinterpretation of the 1992 Constitution, which prevents state oversight of the emerging neo-traditional rules, norms and institutions that benefit the upper echelons of traditional governance structures. This has created an opportunity for land deals in rural Ghana without the necessary checks and balances needed to ensure equitable, humane, and pro-poor land transactions. Transnational and local land deals could be better managed so as to serve the interests of citizens if the state intervenes in local power dynamics instead of persisting with the technical and laissez-faire attitude it currently favours. A clear interpretation of the constitutional provision of 'holding land in trust for the people' needs to be made. Additionally, guidelines on how large pieces of land should be transacted must be provided based on wide consultation with experts, investors and the poor community members as well as thorough assessments of likely effects of particular

approaches. This will enable greater benefit streams to all and therefore the achievement of the principle of equitable development.

Why is the Ghanaian state so slow to react to the widespread disenfranchisement of people in relation to access to land and forest resources? There are two attitudes at play here. The first is that the state might actually be happy with the inflow of capital and therefore unwilling to do anything that might stem it. The second is that the state is overwhelmed by the rapidity of the process and therefore cannot react in the short term by formulating legislation in harmony with existing ones. The utterances of different politicians in Ghana reflect either one or both positions.

From the foregoing, it is quite clear that to achieve the state's objective of modernising agriculture by encouraging transnational capital, it is necessary to regulate the activities of actors involved in land transactions in order not to undermine smallholder agriculture in the process. After all, large scale commercial agriculture is yet to prove its superiority to small scale agriculture in Ghana and in several developing countries.

- First there is the need for the state to make **institutional arrangements to record and regulate land transactions. There should be clear laid out rules on how to negotiate, survey and register a lease by different interest groups – local residents, companies and international individuals and companies.**
- Second, there should be a **standardisation of transactions in terms of sizes, price and other terms.** Both national and regional systems should be developed for determining the ratio of land that can be leased given the population of communities and their current

farm sizes and strictly enforced. Other terms such as relocating farmers and the package of incentives should not be left to discretion of chiefs or investors. An important principle should be to avoid dispossession and relocation of farmers unless the benefits are likely to outweigh the losses for all members of the farm households.

- Third, some **standardisation of corporate social responsibility** for communities is required. These must reflect the social needs of the communities but of course also the size of land as a proportion of total community arable land leased.
- Fourth, **the design of a compensation regime** that involves land users and the holders of secondary rights is critical and demands immediate attention. Compensation should be paid to all whose activities are affected, and not only the landowners. This will cover the vulnerable such as migrants and poor squatters.

End notes

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