ASSESSMENT OF THE IMPACTS OF LAND-BASED INVESTMENT ON WOMEN AND SOCIA LLY EXCLUDED GROUPS IN GHANA

June 2018
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CHAPTER ONE: BACKGROUND OF THE STUDY

1.1. Introduction

Large scale land acquisition for investment is stirring up debate globally about their socio-political, cultural, economic, and ecological implications on host communities and smallholders. The phenomenon is on the ascendancy in Ghana and there have been some concerns about the impact of the land acquisitions and investments on local communities. The nature of Ghana’s land governance arrangements makes Traditional authorities responsible for managing land acquisitions, including large scale acquisitions for investments. However, experiences from some land transactions for investments in Ghana, show that Traditional Authorities in some cases, may have limited capacity and information to adequately negotiate these levels of land deals in a way that responds to the needs and interests of the communities and existing land rights holders. Local communities tend to suffer negatively from this situation, particularly those with insecure landholdings such as women and settler farmers.

In a bid to mitigate the negative impacts from large scale acquisition for investments, the Lands Commission has drafted guidelines for Large Scale Land Acquisition to regulate land acquisitions for commercial investments in Ghana. This initiative by the Lands Commission has been complemented with other initiatives such as the “Responsible Investment in Property and Land” (RIPL) project, funded by DFID UK and aimed at expanding the scope of roles and responsibilities of all actors in investments to achieve socially responsible investments. As part of the implementation of the RIPL project, COLANDEF and LANDESA, the implementing partner of the RIPL project, undertook field research on the impact of large scale land acquisition on small scale farmers and communities in general. The findings of this research were used to develop a set of guidelines for the public sector, private sector and community level actors in land-based investments.

Engagements during the RIPL project implementation revealed that, since there are different types of interests in land in Ghana and especially at the customary level, there are potentially, different types of impacts from large scale land acquisitions also and therefore the need to have disaggregated mitigation measures. This observation informed the design of COLANDEF’s project, “Achieving Socially Responsible Land Based Investments in Ghana: Putting Gender Equality and Social Inclusion (GESI) at the Centre of National Interventions” which is funded by STAR-Ghana. The purpose of this project is to follow up on the outcomes achieved under the RIPL project to ensure socially responsible large-scale land acquisition in the country is achieved but with due consideration to gender and social inclusion dimensions. A critical component of this project is to investigate the impact of large scale land acquisition from a Gender Equality and Social Inclusion (GESI) perspective. This report presents the results of the investigation conducted within the months of April to May 2018.
1.2. Objectives of the Assessment

The overall objective of this assignment was to assess the differential impacts of large scale land acquisition on distinct categories of customary land rights holders, particularly women and other socially excluded land rights holders. Specifically, the assessment was conducted to:

1. Examine the types of land rights held by women and other socially excluded groups in the three traditional landholding areas.

2. Analyse the level of recognition and security guaranteed for the different land rights holdings

3. Analyse the level of involvement of women and other socially excluded groups in the decision-making process for large scale land acquisition

4. Ascertain and examine the differential impacts of large scale land acquisition on the different land holdings.

1.3. How this Report is Organised

This report has five chapters with each chapter having a number of sub-sections. It begins with the background to the study, which covers the introduction and the objectives of the assessment. The second chapter is the methodology and it covers the selection of sites for the assessment; identified GESI groups in customary land governance; sampling of respondents; data collection tools; data collection techniques; data analysis and report writing as well as the stakeholders validation workshop.

All the findings of the study are presented in the third chapter of the report. Including: incidents and experiences of large scale land acquisition; nature of land governance in Ghana and customary land governance arrangements in the selected sites; nature of customary land ownership; types of customary land rights holdings in different land systems in Ghana; participation and inclusion in the land acquisition process; limited appreciation and understanding of GESI related issues in customary land governance; compensation; grievance mechanisms; access to information and downward accountability and benefit sharing. The last and fourth chapter presents the consultants’ conclusions and recommendations.
2.1. Selection of sites for the Assessment

The assessment was conducted in three traditional areas, representing the different customary land systems in Ghana, namely, the Fieve Traditional Area in the Volta Region, Bole Traditional Area of the Gonja Kingdom in the Northern Region and the Ahanta Traditional Area in the Western Region; representing the family, skin and stool land systems respectively. Since this assessment was building on the “Responsible Investment in Property and Land” (RIPL) project, the consultant and the COLANDEF team agreed to conduct the assessment in the same traditional areas and selected communities where the earlier field research under the RIPL project were collected data from. However, this study covered fewer communities due to limitations with time and resources. In each traditional area, four communities were selected for the study.

2.2. Identified GESI Groups in Customary Land Governance

The socially excluded groups that were the focus of this assessment were;
- Smallholder land users
- Customary land rights holders
- Undocumented land rights holders
- Non-indigenous rights holders
- Female land rights holders
- Queen Mothers
- Local Community Chiefs
- Secondary land rights holders

2.3. Sampling of respondents

To be able to gather data from the identified GESI groups mentioned above, respondents for the field research were selected purposively to reach the right target for the relevant information. The respondents were selected to cover all the relevant stakeholders in large scale land acquisition in Ghana having in mind the groups identified above as potentially excluded. They include;
1. Traditional Authorities
2. Queen Mothers
3. Community Groups
4. Women Groups
5. Non-indigenous Farmers
6. Youth Associations
7. District Assemblies
8. Farmers directly dispossessed by land-based investments
9. Elderly farmers

2.4. Data Collection Tools

An interview guide containing key assessment questions was developed and used for the field interviews. These were mainly open-ended questions that were used to facilitate semi-structured interviews. The assessment provided answers to key questions on the impact of large scale land acquisition on women, men, youth (and other vulnerable groups) in Ghana. The research explored the positive and negative effects of large scale land acquisition on the diverse social groups, with focus on women and other socially excluded groups.
2.5. Data Collection Techniques

The researchers used diverse data collection techniques to collect the data for this assessment exercise, including desktop study, interviews, focus group discussions and observation.

Desktop Study: The assessment team reviewed all relevant information on the context of large scale land acquisition in Ghana as well as studies and researches that have been conducted the subject matter in the country.

Interviews: In-depth interviews were conducted at the national level; in the 3 traditional landholding regions and in the selected districts and communities. The team used face to face interview as the major technique to collect data for this assessment at the community, district and national levels. Relevant respondents at the national level and in the district capitals were interviewed as key informants. Additional key informants were identified and interviewed at the district and traditional (paramountcy) levels. At the community level, the team used focus group discussions and key informant interviews as the main techniques for their data collection.

Focus Group Discussions (FGD): Four to six FGDs were conducted in each of the selected communities to collect data on the knowledge base and the experience of the local people on the subject matter. Diverse focus groups were interviewed, including women, men, traditional authorities, youth and settlers. In some of the districts, FGDs were conducted for District Assembly staff and Community Land Management committees.

2.6. Data analysis and Report Writing

Both quantitative and qualitative will be used to analyse the primary and secondary data collected. The assessment team used content analysis to review the data obtained from secondary sources. The primary data from the KII and FGD were recorded, transcribed and analysed. Descriptive tools were used in analysing the qualitative data. Content analysis was used to review the data obtained from all sources and the analysed data was used to write a comprehensive report. The draft report was disseminated to COLANDEF and a few key stakeholders who reviewed and gave feedback. The researchers incorporated the feedback into the report and the second draft was taken through a comprehensive validation process.

2.7. Stakeholders Validation workshop

COLANDEF organized a day’s validation workshop with key Large Scale Land Acquisition (LSLA) stakeholders. The consultant presented the findings of the assessment conducted. The presentation created a platform for participants to ask questions, which were responded to. In small group discussions, participants of the workshop took pains to thoroughly review and validate the findings. They also made input into the assessment report.
3.1. Incidents and Experiences of Large Scale Land Acquisition

The field research confirmed that there are indeed incidents of large scale land acquisition for investments purposes. This is occurring in all three selected sites for the field research. Some of the acquisitions have occurred many years ago while others are recent acquisitions. This process by which foreign investors acquire or lease large tracts of land in the global south to produce exportable food and other cash crops is dubbed as “green colonisation” or “new land colonisation” (Matondi et al., 2011: 1). The large tracts of underutilised land coupled with weak governance structures have made Africa the most likely site for this process of large scale land grabbing. It is not surprising then that a full 70% of the estimated 45 million hectares of land sourced in 2009 was sourced in Africa (Matondi et al., 2011: 3). Ghana has had her fair share of this menace. Large scale land acquisitions have been established in almost all 10 regions of Ghana. These acquisitions have been both for agricultural purposes, such, and for a combination of agricultural and biofuel purposes (Boamah, 2011:159).

This study discovered that diverse groups of people and communities in the different land holding areas in Ghana have had similar as well as varied experiences with large scale land acquisition in their areas. There are however some experiences that are unique to some of the areas and with respect to dealings with particular companies. The incidents and experiences of Large Scale Land Acquisition explored in this study covered participation in the land acquisition process; nature of engagement with investors, state agencies and traditional leaders; rights identification; access to information and downward accountability; benefit Sharing/compensation as well as access to remedy and grievance mechanisms.

3.2. Nature of Land Governance in Ghana and Customary Land Governance Arrangements in the Selected Sites

Ghana’s territory of land and inland water areas cover a total of 238,539 square kilometres[1]. The nature, scope and totality of the natural resources inherent in Ghana’s territorial domain constitute the nation’s socio-economic backbone, the basis of its wealth, the realm of its physical and political strength as well as the source of its sustainable livelihood and very survival. The administration of Ghana’s land and inherent natural resources is therefore critical for the socio-economic development, income and livelihood. Due to its importance to household incomes and livelihoods as well as national development, groups of people and nation states have developed diverse systems of managing the acquisition, disposal, ownership and use of land and landed resources.

Ghana operates two types of land systems. There is state system which is governed by written rules in the form legislation and statutes and operated by state institutions whose mandate in land administration is rooted in the state laws. There is also the customary system which is governed by unwritten rules in the form of traditional beliefs and customary practices. The customary land system is operated by traditional institutions whose mandate is rooted in the customary practices of the different ethnic groups in Ghana. Records indicate that about eighty percent of the total land area in Ghana is under the customary system and the remaining twenty percent is under the statement. The implication of this is that, the eighty percent under the customary system is entirely under the administration of the various traditional institutions whose role as custodians of the land is established by the 1992 Constitution of Ghana. This means that the traditional institutions are responsible in allocating parcels of land in their custody to individuals and groups for various activities. The two systems however merge at the point of documentation and registration of land rights and land use planning where the state laws apply irrespective of where the acquisition was done. This means that even if one acquires land from a customary land system, after the traditional authorities have granted the land using the customary rules of the area, the documentation, registration and planning rules that apply to the acquired land will be defined by the state laws.

*Implications for Achieving GESI sensitive Land Based Investment*

The involvement of both formal state agencies and customary land authorities in the administration of lands in Ghana indicates that mechanisms for addressing GESI in land-based investments should be designed for, and be made to apply to, the roles of both state agencies and customary land authorities.

### 3.3. Nature of Customary Land Ownership

Customary Land in Ghana comprises of stool, skin, clan and family lands. These categories of land constitute about 80% of land holding in the country (including vested lands). All customary lands have a common trait of communal ownership and are guided by the following customary tenets:

- Ownership is inter-generational;

- Land is held in trust by the head of the community for the entire members of the community, clan or family in the belief that land is owned by the dead, living and those yet unborn.
- Allodial title to the land resides in the stool, skin, clan or family and it is non-transferable.

- Out of the Allodial title, other rights and interests in land are derived, allocated in line with the customs and traditions of the land-owning group.

- The nature and system for leadership, oversight and decision making on the land held by the group, are all arranged in line with the long-held historical and traditional practices of the land-owning group. These historical and traditional practices recognize make members of the land-owning group to be the ones who qualify to be in leadership to oversee the administration of the land.

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Women who are members of the land-owning group do not qualify to be part of the oversight and decision making on the Allodial interest of the land. This is culturally determined and to some extent, endorsed by the Constitution of Ghana and the Chieftaincy Act. There is need for sensitization and awareness raising on the value addition of having GESI integrated in decision making on land. In addition to the awareness raising, there is need for the establishment and strengthening of complementary platforms of female traditional authorities for convening, consulting, representation and voice.

3.4. Types of Customary Land Rights Holdings in Different Land Systems in Ghana

The study revealed that different types of customary land rights are granted for different purposes. The most predominant type of customary land rights is the abunu-abusa arrangement, which is usually applied to the cultivation of cash crops, under which the farmer develops the farm and shares with the land owner. The farm is shared, and both the farmer and the land owner continue to harvest the crops on their share of the farm until the crops expire. It is the most structured form of customary land rights arrangement identified in all three study areas. It is usually long term and covers a significant land area per holding, in most cases, above 2 acres.

In a few cases, farmers indicated that the land they occupy was acquired through an outright sale and purchase agreement. Under this arrangement, the farmers made lump sum payment of an agreed amount for the use of the land to the landowner the farmer will have no other obligation towards the landowner. There is no defined term for the use and occupation of the land acquired under this arrangement.
Legally,[2] this is not right but that is the understanding held by the people and for those who have made such a ‘purchase’, it will be a challenge discussing the illegality in the transaction and its implication for their occupation and use of the land.

Apart from the abunu and abusa arrangement, there are also incidents of annual rental arrangements under which the farmer obtains a parcel of land for farming and pays an agreed amount to the land owner on a yearly basis. The annual rent arrangements are usually obtained for the cultivation of annual crops. Even though the arrangements are annual, there is an inherent understanding of continuity of the between the landowners and the land users.

For some migrant farmers, they have occupied and used farm lands in the traditional areas with no defined term or obligations towards the land-owner. This arrangement is usually found in situations where the farmer cultivates food crops such as maize, cassava, cocoyam etc., which are are cultivated on a subsistence scale and is therefore not subject to sharing arrangements. So long as the migrant farmer is of good behavior, he/she will be allowed to continue farming each year. The migrant farmer in this case, does not have a defined right over the land except for the crops that are cultivated. Once the crops are harvested there is no right over the land.

The grantors of the different customary land rights are the custodians of the allodial interest or members of the land-owning group who may be holding a usufructuary right. In some other cases, some farmers obtain a customary land right and they in turn also establish a subsidiary arrangement with another farmer. The dynamics around customary land rights are quite fluid and evolving, with some differences existing even within the same traditional area.

- Implications for Achieving GESI Sensitive Land based Investment

There is the need for legal recognition of all the different types of customary land rights held under customary land administration to limit the threat of indiscriminate dispossession without due process and compensation. The new Land Bill has addressed this issue by giving recognition of all customary tenancies. This needs to be monitored to ensure that it is kept in the bill as it goes through final accent.

3.5. Participation and Inclusion in the Land Acquisition Process

Land acquisition has always been the business of the Chiefs, elders and family heads, depending on the type of customary land holding and land size. In the normal small to medium size land acquisition, the chiefs and family heads do not fine it necessary to consult or inform

[2] Under the 1992 Constitution of Ghana, there cannot be an outright sale or purchase of land from a Stool. There can only be a transfer of certain rights in the land from the Stool to another person. Ownership in land is therefore ownership of the rights and interests held in the land at a particular time. Most people may purchase a leasehold interest in land, but the person who granted such leasehold rights still holds a higher interest in the same land.
the community members or their subjects. They are often careful to consult their elders, who are often men. In most of the traditional areas, the queen mothers are not involved in the decision making regarding land transactions, they may however be informed about it. Many of the queen mothers the research team interviewed were emphatic that they had no business with land transactions. Surprisingly these queen mother did not see anything wrong with their non-participation, they have accepted it as normal. In the Mo traditional area for instance, the Paramount queen mother demonstrated that she was totally uninformed about land issues in her Paramountcy. She blamed it on the absence of a Paramount chief; to her, the sub-chiefs do not involve her in any of their activities because the traditional area does not have a paramount chief now. The research team however observed that she is an elderly non-literate queen mother who did not assert her rights.

The situation in the western region was a bit different, the queen mothers are also signatories to the land documents, so they get to know about the transactions, at least at the point of documentation. Two out of three of the queen mothers the team interviewed together attested to the fact that they do not have much say in land transactions, but they co-sign the document and receive some financial reward for that. They both indicated that how much they are given is the sole decision of their chiefs. They often do not know how much money is paid and what these monies are used for. Surprisingly they have accepted this as a normal practice and have no plans to challenge it. The third queen mother however indicated that she has a strong say in land transaction in her constituency. She gave a couple of instances when she opposed and stopped her chief from selling some parcels of land. She claimed that she knew those land transactions were not good and would not benefit her community. The queen mother was proud to let the team know that her chief will not ‘dare’ to sell any land without her consent. She eloquently explained that they practice the matrilineal inheritance, so the family properties actually belong to the women and their children, so she cannot allow the men to mismanage them. The team observed that this is an educated queen mother with a strong personality who know her rights and was assertive too.

With respect to large scale land transactions, the average queen mother, in all the customary land areas are not involved in the decision-making. They get to know of it at the point when the companies are seeking to consult the communities. The queen mothers are often called upon to mobilize the women for such consultations. They also participate in the public consultations to better understand the happenings. Here again, the educated and assertive queen mothers are involved to avoid they are opposing the transactions. Participation of local government representatives in LSLA is also limited.

The local government officials the research team interviewed affirmed that transaction of customary land is the prerogative of the traditional council and they have no hand in it. However, the Municipal/District assemblies are statutorily responsible for undertaking land use planning.
The Assembly collaborates with other agencies, including Lands Commission, Environmental Protection Agency (EPA), Town and Country Planning Department (T&CPD) in performing its function as it relates to land, the key mandate of developing the area.

The government officials revealed that most of the time, the chiefs give out parcels of land for various purposes without consulting the Assembly to confirm if the purpose fits into the assembly’s land use zoning of the district/municipality. The local government representatives at the community level, the assembly persons and unit committee members also are not involved in large scale land transactions, until the buying company decides to conduct community consultations.

It is common for a cross-section of communities affected by large scale land transactions to be consulted as part of the acquisition process. This was observed in all the three land holding areas. However, these consultations happen when the transaction is well advanced. In many cases, it happens when the deal has been sealed. usually, the traditional leaders will mobilize the community members, (particularly those whose land or property happen to fall within the area being acquired) for the leasing company to explain the purpose for which they are acquiring their land and their compensation plans. In these meetings, the leasing companies would often outline how beneficial the projects would be to the communities. The community members are also given the opportunity to ask questions and to share their opinions.

Many of the community level respondents expressed their disappointment in the outcomes of such community meetings since they claim the companies gave them vain promises that were never fulfilled. For instance, in Fievie the GADCO/ WIENCO promised to give the natives employment and scholarships but very few women were employed as temporary laborers for a brief time, most of them have been laid off. In the Mo traditional area, AgDevCo also promised employment for the community youth but has not fulfilled it and in the Ahanta traditional area, GREL promised among other things to sponsor their children’s education but very few children have benefited from secondary level scholarships.

According to the key informants all members of the community are invited to such meetings, including women, youth and settlers but most of the youth and settlers interviewed claimed they did not participate in such meetings. The chief of the Zongo community in Fievie said they did not think, as settlers, it was not their business to participate in meetings to discuss land issues. In the Mo traditional area however, the settlers whose farms were affected were invited and participated in a series of meetings. It was observed that many of the youth do not find it necessary to attend community meetings. They consider such meetings to be for the older citizens. Also, there is a general perception held without any evidence that the youth are lazy and uninterested in the affairs of the community. This perception has led to the older people side-lining them. Effective participation of citizens in the acquisition process is necessary to rights identification.
3.6. Limited Appreciation and Understanding of GESI related Issues in Customary Land Governance

Most respondents in all three traditional areas, including chiefs and local community members, demonstrated awareness of the gender advocacy programs that have been undertaken and the call for the inclusion of women in all sectors of development processes. There is however, a better awareness on gender equality than on social inclusion.

Beyond the awareness, most of the respondents do not have clear understanding and appreciation of which aspects of the role they play require attention to GESI. In most cases, reference is made to having a balance of men and women participate in a meeting as evidence of giving attention to gender. This is the case for both chiefs and queen mothers. Migrants and other potentially excluded groups, though not happy about the situation, have accepted it on the basis of culture.

- Implications for Achieving GESI Sensitive Land Based Investment.

Advocacy for GESI integration need to include both knowledge sharing as well as strategies to guide actors at the customary level to be informed on the actions they need to take. Advocacy targeting should include all actors, chiefs, queen mothers and landholders.

3.7. Compensation: Eligibility, Assessment and Payment Process

The identification of the rights of people affected by the acquisition of large tracts of land is often done by the Chiefs, elders and family heads. They are the first to inform the investor about who have what rights to which parcel of land and landed property. The investors also meet with the affected people to confirm their rights. Community members whose properties are documented, present the documents as evidence covering their properties. Family heads (who are often men) stand in as the rightful owners of family lands that have not been allocated to individuals and claim whatever compensations or benefits associated with it. In such situations, the rights of the women and youth in the family are often ignored.

In some cases, women do not acquire land for their own personal forms, they cultivate their personal farms on the land acquired by their husbands as they support the husbands with their nuclear family farms. In such cases, women’s rights are partners on their husbands’ land are not recognized.
For instance, in the Mo traditional area, the men acquire land for yam cultivation and on the same land their wives farm vegetables and groundnuts, which they sell and use par for the family meals. When the investor acquired the land, only the men were recognized as having right to the land. The youth also work with their fathers on same plots of land but during the acquisition for investments, the rights of the youth to the land are not respected. However, settlers who farm with shared tenancy arrangements get some rights recognition, but the greater benefits go to the land owners.

Others whose livelihoods (aside farming, e.g. collection of non-forest products) depend on the land do not get any recognition with respect to their rights to the land. For instance, in the Mo traditional area, women gather firewood and shear nuts, which they use to prepare shear butter for sale. Some youth and older men in the Fievie traditional area used to fish in the rivers and lakes across the acquired land. These waters have been blocked and used for irrigation and the people no longer have access to their fishing income.

- Implications for Achieving GESI Sensitive Land Based Investment.

So far, some guidance exists on how to assess and pay compensation to affected land rights holders. The identification of who qualifies for compensation is usually determined by the situation on the ground. To ensure GESI integration in land-based investments, national framework guiding compensation need to provide guidance on the identification of who is eligible.

### 3.8. Grievance Mechanisms

The customary system in Ghana gives the chief and his elders the right to adjudicate disputes in their jurisdiction. The traditional councils are mandated by law to settle disputes and many of the chiefs and elders are trained in Alternative Dispute Resolution (ADR), which they often use to settle conflicts in their areas.

In all the three-land holding traditional areas, land disputes are first reported to the family heads, chiefs or community elders. The head of family and his elders are able to settle some land related family disputes internally within the family. Some other disputes that are are usually resolved at the community level by the family heads or/and the chiefs responsible for the land in question.

Usually when disputes are beyond the family or a party feels he/she has not been given justice at the family/sub-chief level settlement, they present their case to the Customary Land Secretariats (CLS) or Land Management Committee (LMC) for resolution. The Customary Land Secretariats (CLS) and LMC use Alternative Dispute Resolution (ADR) techniques to resolve complaints. The CLS and LMCs are active in the resolution of boundary and other land related disputes, especially if the dispute is a serious one (i.e. disputes in respect of relatively large areas of land). If the LMC fails to resolve, the matter is referred to the court as a last resort.
In all the communities in the Mo traditional area visited, the community and their leadership were unanimous on the fact that they have never had to settle their land disputes in court. Their chiefs are able to resolve them all.

The community meetings in the Fievie, Dixcove and Ahanta traditional areas discovered that the peoples’ confidence in the chiefs and CLS/LMC has reduced drastically over the years, this has led to more people seeking settlement in the courts. A youth leader in one of the communities said, "The lack of trust in the current chiefs and the current LMC has resulted in most land-based conflicts being sent to Court".

These sources of remedy or grievance mechanisms are accessible by all. Men, women, youth and settlers are all at liberty to utilise them.

- **Implications for Achieving GESI Sensitive Land Based Investment**

*In view of its benefits in cost effectiveness, accessibility and legitimacy, Traditional grievance mechanisms have the potential to benefit the vulnerable and excluded groups. They however need to be strengthened to have an inclusive structure, transparent processes and enforceable decisions*

### 3.9. Access to Information and Downward Accountability

Information regarding customary land transactions always remain with the chiefs and family heads, who hold land in trust for their family and community members. Generally, there is a limitation in the extent to which land owners/custodians of the land display downward accountability in the way they engaged in the land transaction with the various investors. Existing literature shows that downward accountability is rare in large scale land acquisitions (Schoneveld et al., 2011; Tsikata & Yaro, 2011; Wisborg, 2012). Family heads are expected to discuss the land deal with the rest of the family while stool or skin chiefs are expected to discuss this with the larger community. The study established that neither family heads nor chiefs were good at divulging the details of a land transaction with their constituents. Even the queen mothers who are part of the traditional council revealed that they do not receive much information on land transactions. Most of the community members have no clue about the content of the various lease agreements. It appears there is never a full disclosure of the contract on LSLA in all the three customary land areas. After the companies have acquired the land, there is also no downward accountability on the relationship between the lease and the community. The traditional leaders are the only ones who interface with these companies on behalf of their people, yet they hardly divulge any information to their subjects. In the Fievie traditional area, the LMC admitted that its system of passing down information to the community has not been transparent enough. The committee relies mainly on organizing durbars as the platform to disseminate information to the communities. After their commitment to sensitize the community on the upcoming rice
they have not been able to follow up with additional meetings in over two years.

In the absence of the formal transmission of information from the traditional authorities to the people, the community members access information from various sources, informally and one can deduce that since men interact more with their fellow men, they are more likely to access this information more than women and youth. Obviously, the natives are more likely to access such information more than settlers. The local government representatives at various levels, municipal, metropolitan, district and community level, all affirmed that they do not receive information on large scale land transactions.

The non-access to information on the LSLA has bred suspicions and mistrust between the people and their leaders. In all the youth focus group discussions, the young people expressed their suspicion of their leaders, they believe the chiefs and elders alone are benefiting from the land transactions at the expense of the community members. For instance, in the agreement the Fievie Traditional Council has with the investor, the Fievie state was to receive 2% of the gross proceeds generated from the rice farm. The percentage has since been reviewed and is currently at 5% but according to the chiefs and elders, the company has stopped paying the state its share for the past couple of years. The people do not know, and they believe that the chiefs are continuously receiving dividends from the company and misusing their monies. Again, community members do not know exactly how much was paid to the chiefs in previous years and what the money was used for.

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While it is true that the customary land authorities are the custodians of the Allodial interest and therefore the ones responsible to lead the engagements on the land transaction for investments, national guidelines on land-based investments need to have requirements for information sharing and showing evidence of it. This should go beyond the current requirement for a public forum which is only a one-off event.

3.10. Benefit Sharing / Compensation

Under customary land system in Ghana, stool heads/skin heads as well as heads of families hold land in trust for the members of the community at large. However, increasingly as land has become commoditized, the traditional rules and regulations governing land acquisition no longer hold. Yaro (2013) argues that the moral foundations of rural societies have been weakened such that the custodians of the land are no longer interested in holding land in trust for community members. Instead, they seek to enter into land transactions for their personal enrichment, often to the detriment of the vulnerable in society.
This study affirmed that the community members in all the three customary land holding areas do not think or feel that they benefit from these large-scale land transactions. Many (men, women, youth and settlers) claimed they do not know what benefits the chiefs and elders have received from these transactions on their behalf, but they have not received anything, and they do not know of any projects that the chiefs and elders have undertaken with these proceeds from the land transactions. In the Fievie traditional area, the LMC key informants revealed that the dividend/interest paid on the equity to the project is paid directly to the LMC. The funds are mostly used for land litigation and community development, they were however unable to mention any community development project, funded with this dividend. In addition to the dividends these leases are also expected to pay royalties to the traditional council through the Office of the Administrator of Stool Lands (OASL) the community members claim not to benefit from these royalties too.

According to the queen mothers in the Ahanta traditional area, historically, proceeds from the land were shared as follows; the allocation Chief or family head retains two-thirds of the proceeds and gives one-third to the immediate superior chief. The two thirds taken by the allocation chief is then shared as follows: a third for Community development, a third goes to the royal family and the remaining one third goes to the chief. In this benefit sharing formula, the queen mothers are not considered however when applied, some of the chiefs use their own discretion to give the queen mother “something”. This is purely dependent on the chief. If he decides not to give her, nobody can question him. The queen mothers disclosed that this formula is no longer adhered to; in most cases the family or community is not made aware of the gains from the land, the chiefs/family heads with a few elders keep the money for personal use. In many of the Dixcove and Ahanta traditional area communities the team visited, they affirmed that the communities do not benefit directly from any payments made by GREL to the traditional authority responsible for the area.

The Chief and Elders of Mpatase in the Ahanta traditional area explained that proceeds from the land are shared with the formulae below; the family head of the land-owning family gets a third of the proceeds and the divisional chief gets two thirds. Out of the divisional chief’s two thirds (considered as 100%) he gives a third of that to the paramount chief and the remaining two thirds are shared as follows: Nsona Abusua (the royal family in Mpatase) 25%; Stool Elders 25%; Divisional Chief 25% and the stool 25%. The team observed that the community members did not know about this formula and did its usage.

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*Benefit sharing is one of the bases for contentions in land-based investments. While the formal agencies do not have the mandate to determine how benefits are shared when customary lands are transacted, some guidelines for benefit sharing need to be provided.*
4.1. Conclusions

As the world has turned into a global village and with the promotion of free trade and increase in foreign investment in every country, large scale land acquisition is inevitable and is necessary for economic growth, particularly for developing countries like Ghana. The acquisition of large tracts of land for land-based investments have both positive and negative impacts on the people living within and close to such investments. Indeed, these investments have differing impacts on diverse groups of people in the society. Women, youth, settlers and other vulnerable groups tend to suffer the impact of these investments much more than others do. From the above analysis, we can conclude that:

1. All the three customary land holdings have provisions for different types of rights for all categories of land users. The rights are not the same, but everyone has some form of land rights under the customary land holdings. Instances of land-based investments leads to the violation of some of the land rights however the rights of women, youth, settlers and other vulnerable groups tend to be violated the most.

2. Traditional leaders, chiefs, elders and family heads often lead the discussions and negotiations for land acquisition for investments. The community members are often not involved in the acquisition process. Community consultations may be conducted after the deal has been signed and in all the customary land areas the study covered, there is no downward accountability from the traditional leaders towards the community members. Access to information regarding LSLA is challenging for all but women, youth, settlers and other vulnerable groups suffer most.

3. Land based investments come with some benefits and people whose lands and landed properties are affected are expected to be appropriately compensated. Benefits accrued from land transactions in the three customary land areas are shrouded in secrecy, only the traditional leaders know about it and how the benefits are shared. In all the instances of landbased investments explored, community members reported that the companies did not pay them all the compensation due them. For those that were paid, the people did not know what criteria was used to determine the amounts they received, leading to the feeling of dissatisfaction and anger.
4. People generally have access to remedy with respect to land disputes in general. The family head and elders, traditional council, the LMCs and ultimately the law courts are available for people to report their grievances and to seek redress. However, the study could not identify any dedicated Grievance Mechanisms available to handle disputes related to land-based investments, except for the courts. In most of these transactions, the traditional leaders are often seen to be supporting the investors and so having them also lead the resolution of any grievance related to the acquisition by the investor will be a conflict of interest, yet, most of the affected farmers may not be able to afford to go to court and therefore end up having no other option for redress.

5. Land based investments have Impacts on communities in diverse ways, economically, socially and psychologically some of the impacts are positive but many more are negative. The diverse groups of people are impacted differently by these transactions, but women, youth, settler and small-scale farmers are more adversely impacted by these large-scale land transactions.

4.2. Recommendations

1. Measures should be taken to ensure that the rights of all local community members, especially women, youth, settlers and other vulnerable groups are respected during land acquisition for land-based investments

2. There should be transparency and accountability in the way land transactions are conducted. It should not be left to the decision of the traditional leaders only. Efforts should be made to amend the existing laws to ensure that traditional leaders are transparent with such transactions

3. There should be measures put in place to ensure that the investors pay compensation the full compensation that is due affected persons and also to fulfil all commitments made during the negotiations which are to be executed during the investment period. The lease agreements should also contain, not just what is expected of the parties, but also remedies available for non-compliance.