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Labelling large-scale land acquisitions as land grabs: Procedural and distributional considerations from two cases in Ghana

Abubakari Ahmed^{a,b,*}, Zaid Abubakari^c, Alexandros Gasparatos^d

^a Department of Planning, Faculty of Planning and Land Management, University for Development Studies, Post Office Box UPW 3, Wa Upper West Region, Ghana

^b Graduate Program in Sustainability Science – Global Leadership Initiative (GPSS-GLI), Graduate School of Frontier Sciences, The University of Tokyo, 5-1-5 Kashiwanoha, Kashiwa City, Japan

^c Faculty of Geo-Information Science, University of Twente, P.O. Box 217, 7500 AE Enschede, the Netherlands

^d Institute for Future Initiatives (IFI), The University of Tokyo, 7-3-1 Hongo, Bunkyo-ku, Tokyo 113-8654, Japan

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ABSTRACT

This paper uses an actor-oriented political ecology approach, and procedural and distributional lenses to explore whether large-scale land acquisitions (LSLAs) exhibit the characteristics of land grabs. We apply these perspectives in two LSLAs in Ghana (oil palm, jatropha) that reflect different drivers/processes of land acquisition, crops and modes of production. For the procedural analysis, we track how LSLAs unfolded on the ground using (a) legal perspectives, (b) narratives of the local communities and other key players (e.g. chiefs, investor, government institutions), and (c) formal documentary evidence. For the distributional analysis, we examine some of the key socioeconomic and environmental impacts of these LSLAs through household surveys in the affected communities affected. Through the triangulation of this information, we conclude that even though these LSLAs have some characteristics of land grabs, it is problematic to concretely label them as such. This is because they followed the appropriate legal provisions, even though some of the consultation and compensation processes were questionable. These processes were largely mediated through the unconstructive involvement of chiefs (and their manipulation of customary procedures), rather than unethical practices from the side of investors. These questionable processes have affected transparency and accountability, and have had negative distributional outcomes. This indicates ‘benefit grabbing’ by traditional authorities at the expense of local communities, rather than actual land grabbing by investors. It is therefore imperative to consider chiefs’ involvement in LSLAs and further formalise LSLA processes (especially in terms of consultations and compensation) to avoid instances of land and/or benefit grabbing in Ghana, and elsewhere in Africa.

1. Introduction

Large-scale land acquisitions (LSLAs) and land-grabbing have emerged as major topics of academic research and the source of a heated debate (Boamah, 2014a; De Schutter, 2011; Dell’Angelo et al., 2017; Edelman, 2013; Obeng-Odoom, 2015; Pedersen, 2016; Schoneveld, 2017; Zoomers, 2010). Sub-Saharan Africa (SSA) has been a major destination for LSLAs with an estimated 24 million ha acquired in the past decades for commercial agriculture (Schoneveld, 2014). A large proportion of these acquisitions has been branded as land grabs of questionable legalities that have substantial negative impacts for local communities (Borras and Franco, 2013; Campion and Acheampong, 2014; White et al., 2012; White and Dasgupta, 2010).

The increasing proliferation of actual LSLAs (and of the related academic literature) brings legitimate questions of when a LSLA

becomes a land grab (Borras et al., 2011). Answers to this question are still far from conclusive in terms of definition, conceptualization and methods (Cotula, 2013, 2012; Edelman et al., 2013; Hall, 2013; Oya, 2013a, 2013b; Zoomers et al., 2017). For example, the embedded assumptions of two of the major discursive frameworks for analysing land-grabbing (i.e. ‘primitive accumulation’ and ‘accumulation by dispossession’), are still under scrutiny (Hall, 2013).

Due to the contentious and complicated issues surrounding LSLAs and land-grabbing, as well as the fact that LSLAs have “vast differences in the legality, structure, and outcomes of commercial land deals” (Hall, 2011; 193), the International Land Coalition (ILC) released in 2011 its expert interpretation of when a LSLA becomes a land grab. In summary this happens when an LSLA (a) violates human rights, (b) does not seek free and prior informed consent, (c) disregards socioeconomic and environmental impacts, and/or (d) is not based on democratic planning

* Corresponding author.

E-mail address: abubakari.ahmed@s.k.u-tokyo.ac.jp (A. Ahmed).

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and participation (International Land Coalition, 2011).

Many of the studies that have explored the interface of LSLAs and land-grabbing in Africa have relied on sources such as the Land Matrix and GRAIN¹ to report the different drivers, impacts, injustices, and lack of participation in LSLA processes (Anseeuw et al., 2013; Edelman, 2013; Schoneveld, 2014). Such databases present high-level information about LSLAs such as the details of the investor, and the intended and the contracted size. However, they have often been criticized for not reflecting properly the actual situation of the ground (Locke and Henley, 2013; Schoneveld, 2014). Other studies have used different social science approaches in communities or countries that have either been targeted for LSLAs and/or have experienced their negative effects (Hausermann et al., 2018; Kansanga et al., 2018; Tura, 2018). However, empirical evidence and data about land grabbing is often not well-reported, exaggerated, and/or not rigorous (Dell'Angelo et al., 2017; Edelman, 2013; Edelman et al., 2013; Hall, 2013; Oya, 2013b; Pedersen and Buur, 2016). Thus, when studying land-grabbing in Africa there is a substantial risk of using flawed data and/or reporting a single perspective/narrative without considering other legitimate perspectives, the actual legal facts or multiple sources of information. Some scholars have even argued that, what is perceived as land-grabbing might not be land-grabbing per se. It might be the injustices arising from the implementation of LSLAs, which can prevent benefits from reaching the local communities (Kaag and Zoomers, 2014).

A key indication of whether land-grabbing has occurred in LSLA processes is whether the legal processes have been followed, adequate consultation has been done, and fair compensation has been paid by the investors and shared properly within the community (German et al., 2013; Hansen et al., 2016; Schoneveld and German, 2014). Several of these studies have essentially focused on some of the key procedural aspects for determining land grabs. However, many scholars have pointed that, it is also important to consider distributional outcomes and post-acquisition dynamics when determining whether land grabbing occurred (Borras et al., 2012; Edelman et al., 2013; Kaag and Zoomers, 2014; Zoomers, 2010). Studies in several African countries have used instances of the above to label LSLAs as land grabs (Cowaloosur, 2014; Greco, 2015; Lisk, 2013; Oya, 2013a; Tura, 2018).

In this respect, both a procedural and a distributional perspective are very useful in determining whether LSLAs exhibit the characteristics of land grabs (Borras et al., 2011). However, these complementary perspectives have rarely been used jointly in the context of LSLAs studies in SSA.

Ghana offers an ideal context to study “how to label LSLAs”, as it is a major destination for agriculture-based LSLAs in SSA (Schoneveld, 2014). This was largely driven by strong policy commitment during the colonial and post-colonial eras to commercialize its agricultural system, and become an export-oriented economy (Obeng-Odoom, 2015; Yaro, 2009; Yaro et al., 2017). Despite the recent decline in the of number LSLAs and allocated land following the collapse of the jatropha sector (Ahmed et al., 2017a), there is a renewed interest to acquire land for industrial crops such as oil palm (Ministry of Food and Agriculture, 2011a) and sugarcane (Ministry of Trade and Industry, 2016). Current plans envisage a large expansion of oil palm production to cater for both the increasing domestic demand (Ghana barely meets its own oil palm demand), but also to boost commodity exports from the country (Ministry of Food and Agriculture, 2011a). Furthermore, after the near collapse of the sugarcane sector, recent legislation (Ministry of Trade and Industry, 2016) aims to revamp the sugar sector, including the Komenda sugar factory. Aside sugarcane, there is also an interest in other agricultural products such as mangoes and other fruits (Ministry of Food and Agriculture, 2011b).

However the past (and possibly future) proliferation of LSLAs in Ghana has been undertaken in a complicated and incoherent land

governance system that is amenable to abuse by strong players (German et al., 2013). Indeed, agricultural commercialization through LSLAs in Ghana has largely occurred in the absence of any legal registration of land titles (see Section 2.1)², putting at stake the tenure security and land rights of both the local communities and investors (Tsikata and Yaro, 2013; Yaro, 2009; Yaro et al., 2017; Yaro and Tsikata, 2013). Following the surge in LSLAs and their negative outcomes (e.g. land litigations, social conflicts), new guidelines for LSLAs were developed and adopted in 2015. Some of these recent LSLAs were labelled as land-grabs, largely due to the lack of appropriate consultation and compensation (ActionAid Ghana, 2012; Boamah, 2014b, 2014a; Campion and Acheampong, 2014; German et al., 2013; Kidido et al., 2015a; Nyari, 2008). In fact, as in many other SSA contexts, there is still an inconclusive understanding in Ghana as to how to comprehensively assess whether LSLAs share the characteristics of land grabs.

As outlined above both procedural and distributional lenses are indispensable when studying the interface of LSLAs and land-grabbing. The aim of this study is to explore how both lenses can be mobilised to offer complementary information, thus, reducing the risk of using highly aggregated and flawed data, or depending only on the perspectives of a subset of stakeholders. We expect that, such an approach can be instrumental in providing insights about the performance criteria that can be used to determine whether LSLAs exhibit the characteristics of land grabs. Combining procedural and distributional lenses can rationalise the use of powerful discursive framework that advocate against large-scale commercial agriculture in developing countries in favour of other modes of production (Collier and Dercon, 2014; Larson et al., 2016; Mellor and Malik, 2017; Tsikata and Yaro, 2013; Van Vliet et al., 2015)³.

We adopt an actor-oriented political ecology research approach that utilises procedural and distributional lenses to understand how different actors (e.g. investors/companies, customary institutions, local communities, state agencies) operated during/after two LSLA processes in Ghana (Section 2). Section 3 outlines the study sites, and the data collection and analysis methods. The procedural analysis considers issues of legality, consultation and compensation in formal and informal LSLA processes (Sections 4.1–4.2). The distributional analysis synthesizes rich primary data on how the LSLAs affected the flow of benefits and the beneficiaries (Section 4.3). We explore such effects among the different actors and between local communities members with different interaction with the LSLAs (e.g. plantation workers, smallholders, residents not involved with the LSLA). Section 5 discusses the main implications of using these complementary lenses to explore whether LSLAs exhibit the characteristics of land grabs.

2. Political Ecology of large-scale land acquisitions: Procedural and distributional lenses

2.1. Actor-oriented Political Ecology

Following the global land rush, several studies have adopted

² Many African countries have adopted laws and policies to facilitate land title registration, which are, however, not always comprehensive (German et al., 2013). The underlying philosophy of such efforts has to do with the argument that by documenting interest in land leads to the full realization of latent land values can improve the socioeconomic prospects of the title holders and reduce abject poverty (De Soto, 2000). However, as appealing as it might seem, critics claim that land formalization leads to dispossession, increased transaction costs, wider social inequalities (especially for women), and that it neither unlocks economic growth nor consistently reduces poverty (Adams and Turner, 2005; Benjaminsen et al., 2009; Cousins et al., 2005; Domeher and Abdulai, 2012a, 2012b; Obeng-Odoom, 2016, 2013, 2012).

³ This can have profound ramifications in the ability of countries to attract land-based FDI in the future, which under the right conditions they could possibly have beneficial impacts locally and nationally.

¹ For more information refer to: <https://www.grain.org/article/entries/4479-grain-releases-data-set-with-over-400-global-land-grabs>

Table 1
Legal framework to study the two LSLAs.

Issue	Legislation	Provisions
Registration	Land Registry Act 1962 (Act 122)	Provides the basis for land registration in the study sites
Compensation	1992 Constitution	Provides for compulsory acquisition for public purposes, subject to the payment of fair, prompt and adequate compensation.
	State land Act, 1962 (Act 125)	Provides for compulsory acquisition for public purposes in respect of private land. It provides for the payment of one-off lump sum of money to the affected person(s).
	Administration of Lands Act, 1962 (Act 123)	Provides for compulsory acquisition for public purposes in respect of stool land. It provides for the payment of annual amounts to the stool.

different political economy approaches to explore issues related to land grabbing in Africa, both from historical and contemporary perspectives (Edelman et al., 2013; German et al., 2013; White et al., 2012). This literature discusses extensively the relationship between corporate powers and local communities in land deals in terms of the processes of land acquisition and benefit distribution (Pedersen and Buur, 2016; White et al., 2012). However, many of these studies have neither given due consideration to the normative motivations behind the narratives used by local stakeholders (e.g. local communities, chiefs), nor juxtaposed these claims with the perspectives of other actors (e.g. investors). Furthermore, it has been common in land-grabbing studies to essentialise the local narratives of affected people and use it as the default position for the scholarly argument. At the same time many studies have tried to unravel the impacts of such LSLAs on ecosystems and local communities (Ahmed et al., 2017b; Mudombi et al., 2016; Romeu-Dalmau et al., 2016; Timko et al., 2014; Van Eijck et al., 2014, 2012). However most of these studies have remained uncritical about the underlying factors that have given rise to these impacts, as well as of the distributional effects associated with these impacts.

As outlined in Section 1, multiple actors (and their subjective perspectives and entrenched interests) are involved in socio-environmental processes of LSLAs. In such a context, actor-oriented political ecology offers a useful lens to disentangle the relationships and interactions between the different actors (Bury, 2008). By doing this, actor-oriented political ecology can elucidate the networks and alliances (in terms of aligning narratives) between actors, as well as of the mechanisms that mediate the outcomes of the actual LSLAs (Bury, 2008). Several of the studies that have used actor-oriented political ecology have classified actors as place-based and nonplace-based (Brenner and Job, 2012; Geist, 1999). Actors include households, individuals, firms, government agencies, civil society organisations, and local communities (Bryant and Bailey, 1997).

To understand whether the two LSLAs in this study (Section 3.1) exhibit the characteristics of land grabs, we look into two complementary aspects: (a) procedural issues (Sections 2.2, 4.1–4.2); (b) distributional outcomes (Sections 2.3, 4.3). We collect information from a diverse set of actors involved in these LSLAs (see Section 3.2), including corporations/investors, government agencies (e.g. Lands Commission), traditional authorities (e.g. chiefs), and local communities. We do not consider local communities as uniform, but comprising of households with different interests and experiences related to the LSLAs. This includes households with radically different interaction with LSLAs such as plantation workers, outgrowers/smallholders that sell their produce to the LSLA, and surrounding farmers benefiting from the LSLA but being affected by its operations.

For the procedural analysis we pay particular attention on issues related to legality, consultation and compensation, within the context of the prevailing law (and other documented evidence) (Section 2.2). Although we do not seek to provide a detailed analysis of the legality of LSLAs, it is at least necessary to look to some reasonable extent such legal issues at the national level since they are integral to the actual LSLAs and their subsequent operation.

For the distributional analysis we synthesise extensive primary evidence on the distributional outcomes of the LSLAs: (a) between

groups of actors, and (b) between community members (Section 2.3). This is because highly variable distributional outcomes can materialise among different actors and at different levels. We rely extensively on the concept of “benefit grabbing” to explain LSLA outcomes.

2.2. Procedural analysis

For the procedural analysis, we align our empirical results with the major pillars of the interpretation of land grabbing outlined in the literature i.e. (a) land acquisition process, (b) consultation, and (c) compensation (Borras et al., 2011; Vermeulen and Cotula, 2010). To put these results into global context as well as show the limitations of the International Land Coalition, we match these pillars against the issues outlined by the International Land Coalition.

In the Ghanaian context, the legal basis for labelling LSLAs as land grabs is highly contestable due to the plurality of land laws. For example, the 1992 Constitution recognizes both customary and statutory laws. As per the prevailing legislation (see Table 1), we also conceptualize as formal processes the LSLA registration processes required by the Land Commission (as stipulated in statutory law), and as informal processes those that deal with customary landholding authorities that fall outside the remit of the Land Commission. This informal domain is where community consultations, negotiations on land values and compensation actually take place in Ghana between chiefs, land-owners, and investors (Boamah, 2014b; Nolte and Vāth, 2015; Nolte and Voget-Kleschin, 2014). It should be mentioned that both the compulsory land acquisition and the current neoliberal policy-driver acquisitions outlined in Section 1, entail such formal and informal processes (Larbi et al., 2004).

The LSLAs in this study actually predate the guidelines introduced in 2015 (Lands Commission, 2015). Thus it is unfair to subject them to the current legal framework due to the fact that conditions before the LSLAs took place and now are completely different. In respect of this consideration, we adopt the legal underpinnings below:

- Article 20 of the 1992 Constitution, which provides general rules for compulsory acquisitions;
- State Lands Act, 1962 (Act 125) as amended, which provides the details for compulsory acquisition of private property;
- Administration of Lands Act 1962 (Act 123), which provides for compulsory acquisition in respect of stool land;
- Land Registry Act 1962 (Act 122), which regulates land registration in the two study sites (see Table 1).

Although these pieces of legislation predate the 1992 Republican Constitution, the constitution provides a retrospective enablement for compulsory acquisition and land registration in Articles 20(2) and 258 (1d) respectively (Table 1). Whereas the State Lands Act of 1962 provides for the payment of a lump sum of money to the affected person(s) as the compensation, the Administration of Lands Act provides for the payment of annual sums of money to the stool through the Office of the Administrator of Stool Land. Sections 1–4 of the State Lands Act and Section 10 of the Administration of Lands Act outline the acquisition processes in terms of the intention, publication of intention, assessment

and payment of compensation, and avenues for dispute resolution. According to Section 4 of the State Lands (Amendment) Act, 2000 (Act 586), the Lands Commission can grant a lease or license on behalf of the government in respect of any land acquired under the Act. This is the section that the government of Ghana utilized in granting the 50-year lease to all compulsory acquisitions. The above form the legal basis under which the first LSLA, GOPDC, is studied.

With respect to LSLAs based on private treaties, there were no clear guidelines until 2015 prior to their development by the Lands Commission. With the introduction of the new guidelines, such land deals in the study areas are registered under the Land Registry Act (Act 122), with public hearing organized by the Lands Commission. This forms the legal basis under which the second LSLA, Smart Oil, is studied.

2.3. Distributional analysis

For the distributional analysis we explore whether or how the LSLAs had variable distributional outcomes among the different (a) actors involved in the LSLAs (e.g. chiefs, investors, government, local communities), and (b) community members with different types of interaction with the LSLAs. In both cases it is important to understand whether/how LSLAs produce different benefits, who the beneficiaries are, and how they “obtain access” to these benefits. In this sense the concept of “benefit grabbing” becomes a central tenet of our analysis.

For (a), it is important to understand how the different actors involved in LSLAs benefit (or not) from the LSLAs, and whether the access/type of these benefits changed during the process. The most obvious actors include the investors/companies undertaking the LSLAs, the local communities that give the land, and the government agencies that regulate the different aspects of these transitions. Traditional authorities are one of the less obvious, but more critical actors in LSLAs in Ghana (as in many other SSA contexts). Traditional authorities have significant power over land management, which differs between land tenure regimes (German et al., 2013). In Ghana for example, whereas chiefs and manage land in areas with centralised land governance structures, family heads and Earthpriests manage and control land under decentralised land governance structures (Abubakari et al., 2018). The two study sites have centralised land governance structures (Section 3.1), where chiefs act as allodial owners of the land in trust for their subjects. They have the power to allocate and administer customary land within their territories and by virtue of this central role, they serve as contact points for land acquirers (i.e. investors, agribusiness) (German et al., 2013). When it comes to compensation for land acquisition, the money for unoccupied community land and accrued royalties are paid directly to chiefs on behalf of their subjects. Although chiefs are supposed to manage land and land revenue as fiduciaries, many scholars have pointed that chiefs have essentially assumed a proprietary role which allows them to appropriate collective benefits as private actors (Ubink, 2008). Kidido et al., (2015) note that the customary system of landholding has endowed chiefs with immense authority, enabling them to reconstruct customary rules in their own favour. Evidence of the unconstructive involvement of chiefs and misappropriation in the matters of compensation have been reported in different part of Ghana and elsewhere (Ahmed et al., 2018; German et al., 2013; Ubink, 2008).

For (b) it is important to understand the distribution of the actual ecological and socioeconomic impacts of LSLAs between different community members. Studies have shown that different community groups experience different impacts depending on their type of engagement (Mudombi et al., 2016). Provision of income to plantation workers and outgrowers, and loss of access to natural resources due to land conversion are key mechanisms through which many impacts emerge (Gasparatos et al., 2018; Wiggins et al., 2015). In this study, we use household income, expenditures and access to ecosystem services to determine the distributional outcomes of these LSLAs (Section 3.2).

3. Methodology

3.1. Study sites

In Ghana LSLAs occurred during two major waves. The first wave was during the colonial and post-colonial period. These LSLAs related to the concept of eminent domain in the public interest, which entailed compulsory land acquisitions driven by the government with compensation. The colonial and post-colonial administrations made 835 and 501 compulsory land acquisitions that covered 53,123 ha and 103,720 ha respectively (Larbi et al., 2004). These compulsory land acquisitions have been, however, legal then (and even now) under Article 20(2) of the 1992 Constitution of Ghana and the State Lands Act (1962).

The second wave of LSLAs has been associated with the adoption and implementation of neoliberal development policies (predominately in the 2000s) that have sought to attract land-based foreign direct investments (FDIs). Between 2005 and 2011, over 1 million ha of land was acquired this way throughout Ghana (Ahmed et al., 2017a; Schoneveld, 2014). Individual LSLAs during this second wave have been much larger in size, compared to the past compulsory land acquisitions (Ahmed et al., 2017a).

We select two study sites that experienced LSLAs during these two waves, i.e. a compulsory land acquisition (GOPDC, oil palm) and a neoliberal policy-driven FDIs (Smart Oil, jatropha). Through this comparative study we seek to understand the similarities and differences in terms of land acquisition processes, compensation and distributional outcomes. This is because some scholars have alluded to the fact that land-grabbing is not an entirely new phenomenon, though there are marked differences between periods (Kaag and Zoomers, 2014).

Furthermore, the two sites represent the main industrial crops promoted in Ghana for production under large mono-cultural conditions, oil palm and jatropha. However, the two crops have marked differences both in terms of agro-ecological conditions and existing agronomic knowledge. Oil palm is an already tested crop with long history of production, while jatropha is still untested (practically undomesticated), with relatively limited agronomic knowledge in Africa (Achten et al., 2010). Table 2 summarises the main characteristics of the two LSLAs.

The GOPDC is located in the Eastern region of Ghana in the Kwaebirem district. It is one of the few cases of compulsory land acquisition in Ghana that entailed land rights transfers across different post-colonial administrations. This project was initiated around 1975 through government-led compulsory land acquisition to establish a military base. Subsequently this land was allocated for the cultivation of oil palm following the then government’s intention to diversify the main Ghanaian export (cocoa) to include other industrial crops. Through the government’s mass divestiture programme in the 1990s, GOPDC was privatized and sold to SIAT Group, a Belgian integrated agro-industrial company with specialisation in the cultivation and processing of oil palm⁴ (see the actual process and divestiture dynamics in Section 4.1.1). Currently, the company occupies 14,000 ha in Ghana, of which over 8200 ha is under oil palm cultivation. A large mill processes the palm fruit of the core estate and also acts a de facto market for several of the surrounding oil palm outgrowers and independent growers. A recent study reported issues related to lack of consent and poor compensation, branding it as a land grab (Nolte and Våth, 2015).

Smart Oil Ltd is a large jatropha plantation developed through FDI from Italian investors in Yeji, (Pru district, Brong Ahafo region). Smart Oil Ghana was established in 2006 by Smart Oil 2 srl an Italian company specialising in the production and marketing of biofuels. It was

⁴ SIAT was established in 1991 and has currently access to over 52,500 ha of oil palm plantations within Nigeria, Ghana, Gabon, Ivory Coast and Cambodia. For more information see: <http://www.siat-group.com/>.

Table 2
Basic characteristics of the study sites.

Features	Case I: GOPDC (palm oil)	Case II: Smart Oil (jatropha)
GPS coordinates	6°14'40.82"N 0°58'12.43"W	8°13'34.46"N 0°39'12.93"W
Community	Kwae	Yeji
District	Kwaebibirem	Pru
Agro-ecological zone	Rain forest	Savanna
Year of inception	1976	2006
Mode of production	Core plantation surrounded by oil palm outgrowers and independent growers	Core plantation, no outgrower/smallholder schemes
Driver of acquisition	Compulsory land acquisition	Neoliberal policy-driven
Total land concession (ha)	14,000	6750
Area under cultivation (ha)	8200	720
Lease period (years)	50	50
Employment	4500	400
Land tenure structure	Stool lands	Individual and family lands
Incidence of poverty in district (%)	16.6	43.1

one of the over 30 jatropha LSLAs reported since 2005 (Ahmed et al., 2017a). It is the only jatropha investment that has not collapsed in Ghana following the mass collapse of the sector in the early 2010s (Ahmed et al., 2017a). Many studies have labelled jatropha investments and LSLAs as land grabs because of the high negative socioeconomic impacts and the lack of transparency during the land acquisition processes (e.g. Boamah, 2014a, 2014b).

3.2. Data collection and analysis

We collected data in the two sites through a combination of household surveys, expert interviews and focus group discussions (FGDs). The present study has been part of a much larger study that studies the impacts of industrial crop production in Ghana on food security (Ahmed et al., 2017b, 2017a; Dam Lam et al., 2017).

Household surveys were conducted to households with different involvement in oil palm and jatropha productions. Intervention groups include workers in the oil palm and jatropha plantations, and oil palm outgrowers and independent growers. We also interviewed households not involved in oil palm and jatropha production (i.e. control groups)⁵, which reflected the dominant livelihood options in each area that was subsistence agriculture. The data collected through household surveys include perceptions about of land loss, land size, compensation processes and the forms of payment. The overall survey was structured with mostly close-ended questions. However, some of the perception questions were open-ended in order to elicit better key issues and perceptions about the land acquisition processes. In all, 400 household surveys were conducted in GOPDC area (December 2016 – January 2017) and 250 in the Smart Oil area (August–September 2017) (Table 3).

We then selected randomly 53 of the household survey respondents in the GOPDC area and 32 respondents in the Smart Oil area, to conduct in-depth follow-up interviews (August–September 2017), Table 3. These interviews extracted more detailed information about perceptions related to the land acquisition process.

We also conducted focus group discussion (FGDs) in each community to elicit further key issues related to the LSLAs, the compensation and the experienced impacts. In the GOPDC area, we conducted 4 FGDs, 2 with oil palm growers and 2 with control groups. For each of these groups we conducted a FGD only with females and one only with males in order to capture gender-differentiated perspectives. We followed a similar approach in Yeji, conducting 2 FGDs with plantation workers (1 FGD only males, 1 FGD only females) and 2 FGDs with control groups

⁵ More information about the sampling procedure followed is included in Table S1 (Supplementary Electronic Material). We should note that through this purposeful sampling we did not aim to achieve a representative sample of the community, but a sample of the main community interests related to the two LSLAs.

(1 FGD only males, 1 FGD only females). Each FGD involved 7–10 respondents.

Finally, we conducted 6 in-depth interviews in Kwae and 8 in Yeji, with experts knowledgeable in the specific LSLAs (see Table S2 in Supplementary Electronic Material for a list of the consulted experts). We used these expert interviews to collect relevant documentation such as lease agreements, compensation payments, and meeting reports during land acquisition processes.

For the procedural analysis, (Sections 4.1–3.2) and the actor distributional analysis (Section 4.3.1) we first undertake a qualitative analysis of expert interviews, FGDs and the second round of the household survey (see above). We use these instruments to elicit the perceptions of different actors about key LSLA processes. Recorded interviews and FGDs were transcribed and used to extract the main themes and repeated statements relating to land acquisition, compensation, consultation and land grabbing, as well as issues explicitly mentioned as important by participants. We then juxtapose the views of different actors to identify convergences and contradictions (Tables 4 and 5). Subsequently we triangulate this information with documented evidence (e.g. lease agreements) to ascertain if the two LSLAs actually violate the prevailing land laws (Sections 4.1–4.2). Finally, we match the documentary evidence with the interpretation of land grabbing by the International Land Coalition (see Sections 1, 2.2).

For the community distributional analysis (Section 4.3.2), we analyse group patterns for household income, expenditures, land endowment and access to ecosystem services collected through the first round of household surveys (see above). We estimate the total household income by summing up all major and minor income sources including: the sale of farm products (e.g. food crops, industrial crops, livestock), sale of natural production (e.g. fuelwood, medicinal plants), and off-farm income (including salary from working in the oil palm and jatropha plantations). We capture household expenditures by summing farming costs, food purchases, education, health, housing, clothing, energy, supporting relatives, ceremonies and communication. Due to differences in household composition, we use the adult consumption equivalent for each household (Haughton and Khandker, 2009).

We estimate changes in access to provisioning ecosystem services since the beginning of the LSLA operations through the average number of provisioning accessed by each household (i.e. wild fruits, bush meat, firewood, charcoal, medicinal plants, honey, mushrooms, timber, grass, sand) and perceptions of how their access changed since the beginning of the LSLA operation using a 5-level Likert scale. For each ecosystem service, the distribution of the direction/magnitude of change is obtained for each service by dividing the number of responses in each category over the total number of respondents. Aggregate change in access, is computed by averaging each category for all services considered. Due to the long recollection period since the beginning of the LSLAs and the lack of baseline information it is not possible to assess quantitatively such changes as it increases the uncertainty of the

Table 3
Research issues and data collection mechanisms.

Data Source	Issues	Case I: GOPDC	Case II: Smart Oil
Household survey	Land loss	– 100 GOPDC workers	– 100 permanent plantation workers
	Land size	– 100 oil palm out-growers	– 50 seasonal plantation workers
	Compensation	– 100 oil palm smallholders	– 100 households not involved in jatropha production
	Form of compensation	– 100 households not involved in oil palm (control group)	(control group)
Interviews and FGDS	Land acquisition process	– 20 GOPDC workers	– 20 permanent plantation workers
	Compensation	– 9 out-growers	– 12 households not involved in jatropha production (control group)
	Involvement of chiefs	– 12 independent growers	– 8 expert interviews
		– 12 households not involved in oil palm (control group)	– 4 FGDS
		– 4 FGDS	– 6 Expert interviews
Legal documentation	Acquisition processes and compensation	Documents on compulsory land acquisition	Lease agreement. Documentation of meetings

Table 4
Land acquisition processes according to the different stakeholders.

Source	Case I: GOPDC (oil palm)	Case II: Smart Oil (jatropha)
Company/investors	The land was obtained through a compulsory acquisition and was later transferred to SIAT through a 50-year lease agreement, starting from 1995	The land was acquired through the stool with a 50-year lease agreement starting in 2012. The chiefs had the responsibility to inform the sub-chiefs and the affected local community.
Chiefs	The land was obtained through a compulsory acquisition and was later transferred to SIAT through a 50-year lease agreement starting from 1976	The local community was informed a year before the company started its operation. A meeting was held during the consultation processes at the palace.
Local communities	Nana Kwame Bonfe II gave the land to government and the World Bank for an oil palm project. The government gave the land to SIAT and not the local community	The local community was not involved in the acquisition and consultation processes. They became aware only after the company started its operations by clearing the land
Documentation	Compulsory acquisition and subsequent transfer to SIAT through a 50-year lease agreement starting from 1995.	The lease agreement and documentation of consultative processes exists at the district assembly. Evidence of discussion at the general assembly

Table 5
Compensation processes according to different stakeholders.

Source	Case I: GOPDC	Case II: Smart Oil
Company/investor	Compensation was originally paid by the government in cash and when SIAT took over, another compensation was paid in kind through a 25-year smallholder scheme (but there are multiple claims). There is documentation to prove that compensation was paid.	Compensation is paid to the Kadue stool lands since the start of the project.
Chiefs	The company paid compensation, but several recipients misused the money. After the expiration of the 25-year smallholder compensation, some are claiming another compensation.	The compensation and rents as well as community development funds are paid. However due to chieftaincy disputes between the Yeji Paramount chief and the Kadue chief, these monies have not been accessed and used effectively for community benefits.
Local people	No proper compensation received apart from low paid employment in the plantation.	No compensation received. The chiefs have not informed about the existence of such money.
Documentation	Cash compensation has been accepted and paid to affected people since 1997	Lease agreement stipulates stool land revenue and monies. These are paid to the stool as per the agreement.

derived results (von Maltitz et al., 2016). However, we believe that the number of accessed services reflects well household reliance on free environmental services. The perceptions of change are also a good indication of the possible effects on household livelihoods.

To further tease out the distributional outcomes, the income, expenditures, land area, and access to ecosystem service are disaggregated by male and female-headed household for each study group. Where needed insights from the FGDS and expert interviews are used to explain some of the main patterns.

4. Results

4.1. Procedural Analysis: GOPDC (oil palm)

4.1.1. Land acquisition process and consultation

In the 1970s, the government of Ghana set out plans to diversify its

export revenues from cocoa, identifying the commercial cultivation of oil palm as the most promising strategy (Ministry of Food and Agriculture, 2011a). However, land tenure and land fragmentation were seen as big barriers to the further expansion of the oil palm sector, including its potential to attract FDIs. The discrete stool land holdings within the southern part of Ghana makes it difficult to have continuous tracks of land across different stool jurisdictions without undertaking some form of land consolidation (Abubakari et al., 2016).

To address such land issues the 1962 State Lands Act (Act 125) established the right to eminent domain and compulsory acquisition, which was later reinforced by Article 20(2) of the 1992 Constitution. Stepping on this act, the Supreme Military Council (SMC) acquired the Kwae site Plan No. LD.8816/53946 in the name of public interest (11 March 1976). According to the local chiefs, the oil palm project in the 1970s was funded with the support of the World Bank and the acquisition process was facilitated through the chief Nana Kwame Bonfe II.

Section 2(c) of the State Lands Act requires that a copy of the acquisition instrument be served to the traditional authority of the area of acquisition, and the law further requires Chiefs to notify the local communities.

In 1995 under the liberalization policies and the government's divestiture program, the government progressively privatized GOPDC. The shares were gradually transferred to SIAT (initially 50%, later 80% and now 100%), a Belgian investor specializing in the cultivation and processing of oil palm (interview with PRO-GOPDC, 2017). At the time of the privatization, the government had paid only a portion of the land compensation to the local communities. Thus, both the assets and liability (i.e. outstanding compensation) of the GOPDC were transferred to SIAT, with the latter being required to pay the outstanding compensation to the local communities.

SIAT and local chiefs employ different narratives with respect to the terms of the SIAT lease. While both SIAT and local chiefs agree that the leasehold is for 50 years, the actual commencement year is contested. According to the chiefs, the 50-year leasehold starts with the compulsory acquisition of 1976, which is expected to end in 2026. However, the lease documents indicate that the lease commencement year is 1995 (until 2045), as also confirmed by the company (interview with PRO-GOPDC, 2017). The reason for this discrepancy is unclear but it might have complications, as the contested lease duration might open the doors for requests for extra compensations (see Section 4.1.2).

Interview with land administration institutions (i.e. the Customary Land Secretariat, Lands Commission) and the Environmental Protection Agency (EPA), suggest that SIAT followed all mandatory legal processes during the takeover of GOPDC. The only exceptions are some quarterly reports that were not sent to the EPA. However, with the current pending certification of GOPDC under the Roundtable on Sustainable Palm Oil (RSPO), the EPA indicates that the company now complies with relevant environmental laws and that it has also received all the necessary permits for groundwater use.

4.1.2. Compensation

As shown in Table 4, there is a consensus between what the company, chiefs and the documented evidence indicates. However, the local community holds a different perspective, especially regarding compensation (Table 5). Article 20(2) of the 1992 Constitution, indicates that "...compulsory acquisition of property by the State shall only be made under a law which makes provision for (a) the payment of fair and adequate compensation". This was the article that applied during SIAT's takeover of GOPDC in 1995.

Local community respondents overwhelmingly indicate that they have not received any compensation, apart from the opportunity to get lowly paid jobs in the plantation (Table 5). However, the interview with the Otumi chief and other opinion leaders revealed that compensation was actually paid to the affected local communities partly by government and partly by SIAT (Table 5). According to one interviewee, as most of the affected people at the time were migrant farmers without ancestral ties to the land, they rejected a resettlement plan proposed by the government in favor of cash compensation. The interview with the Chief of Otumi further indicated that the resettlement plan was to provide adequate housing, social services and alternative livelihoods sources. Instead, cash payments were made to all of the affected people based on the valuation of crops and housing structures. The land itself was not part of the valuation process for the compensation scheme, as the company already had a lease agreement with the government covering the land but not the assets on it (Interview, Lands Commission, 2017). To cater for the negative effects on the land-based livelihoods, GOPDC developed a smallholder scheme that allowed affected people to use the land for 25 years by giving each affected household access to 20 acres, of which 17 acres to be used for oil palm cultivation and the remaining 3 acres for food crops and housing (FGDs in Kwae, Otumi and Asoum). However the actual area cultivated with oil palm varies between different households depending on the amount of loans each

household is willing to take and can repay to the GOPDC (Personal Communication, PRO-GOPDC, 2017).

The household survey indicates that 88 households reported having lost land to GOPDC, which represented 22% of the total sample ($n = 400$)⁶. Out of the 88 households who lost land, 63 indicated that were compensated. Those who claimed that they were not compensated seem to refer to a second compensation claim that followed the expiration of the 25-year smallholder contract system (see Table 5). Subsequent in-depth interviews with some community members suggest that after the end of the 25-year period, those that received this land started claiming another compensation. This second compensation was justified on the basis that the initial compensation based on access to 20 acres for 25 years were not a valid form of compensation. Several other interviewees hotly contest that compensations were received, either in cash or in kind. However, the Otumi and Asoum community Chiefs suggest that many of the compensation recipients did not use the cash compensation offered in the 1990s wisely. This suggests that the genesis of the current community dissatisfaction in the GOPDC area is not necessarily linked to lack of compensation. For example, the Otumi chief recalled:

"if you had visited Kwae and Anwean at the time, you would see extravagant display and waste of money and resources. Most of the youth never had such amounts of cash in their life before, so it was a new world there for them. They spent the money anyhow as if it will never finish. They never invested the money into any good thing such as cocoa farming that could have helped them today. This is the reason why they are agitating or feel aggrieved. I think that the company did its part but the people rather made the wrong choices" (personal communication, Otumi Chief, 2017)

However, during an interview with the Lands Commission, the officials partly blame how the Kwae chief and the Kyebi paramount chief negotiated the possible community benefits through corporate social responsibility (CSR) for the current situation (personal communication, Lands Commission, 2017). All the interviewees (53 respondents, see Table 2) in Kwae blame the chief for misusing his position to bargain for personal benefits other than to improve community development. One interviewee noted that:

"I know GOPDC has good plans sometimes and they paid compensation for some affected people. We are only complaining because we don't have land to farm because the entire area and community is owned by the corporation. Our chiefs could have accepted resettlement to an area where we will have more land. Now the only way to benefit from the company is the social responsibility and community development fund. But our chiefs are not correct because they go to the corporation to talk for themselves and not us".

To confirm these claims, an interview with the Kwae opinion elders on whether the CSR provisions between the company and the community are institutionalized, revealed that these CSR provisions are a matter of negotiation with no document legally formalizing it (personal communication, Opinion Elder, 2017).

4.2. Procedural analysis: Smart oil (jatropha)

4.2.1. Land acquisition process and consultation

On 4th November 2011, Smart Oil and the Kadue stool made a lease agreement for 6540 ha for 50 years for commercial jatropha agriculture in the Pru district. Several members of the local community indicated that they were not aware of the land transaction (see Table 4). However, by cross-checking the documentation from the Kadue chief and

⁶ Out of these 88 respondents, 36 are GOPDC workers (36% of group), 31 oil palm outgrowers (31% of group), 15 oil palm independent smallholders (15% of group), and 6 control group (6% of group).

the Pru district assembly, it becomes obvious that a series of meetings, community fora, and other consultations took place between Smart Oil, the Kadue stool, community representatives and the Pru district assembly (Table 4).

In terms of consultation, an interview with the assembly member of Kobre, community indicated that the matter was actually deliberated at the general meeting of the assembly a number of times between 2009 and 2011. Documented evidence of this consultative processes is contained in a file at the district assembly development planning office with the list of attendance and pictures of community forum with local people. Whereas some local people claimed they were not involved, documented evidence rather shows the contrary. At the community level, the chief of Kadue reported that the local communities involved were consulted through their respective community representatives. Following this consultation, a clause was added to the lease agreement indicating the role of the chief regarding further community consultations and dissemination of information about the LSLA.

The lease documents actually detail the responsibility of both the Kadue stool and Smart Oil. According to these documents, Kadue stool was responsible to inform tenant farmers of every meeting plans and the intentions of Smart Oil in using the land for commercial agriculture. Interviews with the company and other farmer confirmed that they were informed. One farmer noted that:

“they told me not to farm the area the following year, but my current crops will be allowed to be harvested and next I should cultivate the area again”

4.2.2. Compensation

On signing the lease agreement, a one-off payment of USD 6500 was to be paid to the Kadue stool by 30th March 2012. Thereafter, a yearly rent of USD 1 per ha is to be paid to the stool (totalling USD 6500 per annum during the 50-year lease) and this had to be adjusted subject to United States inflation index. Also, a seed capital of USD 10,000 was to be established within six months following the commencement of jatropha production for community development and compensation. Additionally, Smart Oil is obliged to pay USD 5000 annually toward community development funds, primarily for implementing health, sanitation and education initiatives.

Interviews with senior management of Smart Oil, the Kadue chief and the office of the administrator of stool land revenue at the regional office in Sunyani indicated that this compensation has been paid over the years. However, the Yeji Paramount chief who oversees the entire land area (as the ranking member of the regional house of chiefs) has complicated the community efforts to access these funds for community compensation and development. The assembly member of Kobre indicated that the paramount chief while he persuaded the Kadue chief to give out the land, he later removed him from office (personal communication, Assembly Member, Kobre, 2017). In order to access the money paid by Smart Oil, the Kadue and the Yeji paramount chiefs must both be signatories to the withdrawal of money from the Kadue stool accounts at the office of the administrator of stool land revenue. To overcome this, the Yeji paramount chief enstooled a new Kadue chief, but he is not a signatory bearing any of the earlier signed documents between the Kadue stool and Smart Oil. There is, therefore, a clash in the traditional authorities that prevents accessing the funds for community development that have been deposited over the years. In fact, the former Kadue chief noted:

“I am still the chief even though the Yeji paramount chief has pronounced a new chief. He is doing that much to find ways to access the fund because I disagree with his negotiation, benefit-sharing, and compensation. He is using his high powers to access the money and I was reliably informed that some fraudulent cheques were signed by him, and the so-called new chief, in order to withdraw the money. He has also taken steps to gazette the new chief because he claimed I am not a gazetted chief. If I

was not a gazetted chief, why was he in full support of me when the land negotiation and deal were taking place?” (personal communication, Kadue Chief, 2017).

These sentiments from the previous Kadue chief are the general impression of all those with in-depth information about the land deal. For example, interviews with assembly member, the Lands Commission, the District Assembly and other opinion leaders shared similar concerns (personal communication, Kobre Assembly Member, Opinion Elder, Lands Commission, 2017). Specifically, the Kobre assemblyman recalled in the following statement:

“I know big money is paid to the stool, but the money cannot be accessed because of the conflict of interest between the Kadue chief and the Yeji paramount chief. The resultant effect is that the affected communities and people rather suffer.” (personal communication, Assembly Member, Kobre, 2017)

With all these dynamics, there are mixed feelings within the local community. FGDs show that several community members are aware of the company payments, but do not know exactly the amount and how it is being used. Also, all respondents from the household surveys that claimed to have lost land, indicated that they were never compensated. In the lease agreement, it is explicitly stated that informing all chiefs, sub-chiefs and all affected people, as well as their compensation, is the responsibility of the Kadue chief before and after all necessary monies and rent are paid to the Kadue stool. Failure on the part of the chief to fulfill his responsibility has reflected in the widespread local narratives that people were not informed. At the same time, the chief could not have performed such responsibilities following the enstoolment of a new chief by the Yeji paramount chief.

4.3. Distributional analysis

4.3.1. Actor analysis

Sections 4.1–4.2 suggests that the investors/companies involved in both LSLAs followed all the relevant legal processes. The offered compensation was along legal stipulations, but some community members deemed the actual compensation level to be low. On the other hand, the consultation processes were sometimes characterized by a lack of transparency and inclusivity. This was alluded by multiple sources in the different actor groups. The above seems to imply that some specific actors might have benefited at the expense of others. Two issues are observed related to the role of the chiefs and the companies.

There is substantial evidence to suggest that the local chiefs in both areas manipulated aspects of the LSLA for own benefit, such as the negotiation of land deals, local community consultations and the determination of the rightful recipients of compensation (Sections 4.1–4.2). Furthermore, in Yeji, the Paramount Chief used several informal processes, including enstooling a new Kadue chief to replace the existing chief, possibly for own benefits. In Kwae, there is no established protocol on how local communities could use the annual rent (including in the corporate social responsibility projects of GOPDC). As it stands, everything is left to the chiefs' discretion, which prohibits the benefits reaching the affected people, despite local community having been informed on several occasions from GOPDC that the chiefs receive annual rents and royalties from the company. In Kwae (GOPDC area) there have been historical antecedents that indicate that the then chief Nana Kwame Bonfe II gave out the land for oil palm production because the migrant cocoa farmers were not paying large royalties to him. Subsequent chiefs have tended to avoid addressing the grievances of local communities and rather take side with GOPDC on matters related to land compensation (Personal Communication, Otumi Chief, 2017).

The above manipulations have most likely resulted both in direct monetary benefits (e.g. by withholding compensation from some community members) and indirect benefits related to maintenance of power (e.g. offering compensation selectively to trusted/important community

members). Furthermore, chiefs used their position to leverage demands against investors such as in the case of Kwae where community members claimed that chief asks for unnecessary favours from the company and thereby ending by diverting funds needed for social corporate responsibilities for the community. For example, in Asuom, a male FGD respondent indicated that:

“we do not believe in anything our chief and elders tell us regarding GOPDC. Any time we plan to visit the company to make complains, the chief stops us from going to the company. Many people in Asuom think that the chief is in support of the company because he asks for useless things from the company for himself such as a car”.

In a similar manner, in Yeji, the Assemblyman of Kobre indicated that:

“I personally think the problem of lack of community development comes from the Yeji paramount chief because of the manner in which he is secretly doing things. The people have lost trust in him because of how he wanted to misuse the money”.

The above highlight how chiefs benefited on multiple occasions at the expense of the local communities, which constitutes a “benefit grabbing” (see more extensive discussion in Section 5.3). However given the sensitivity of information and the approach of this study, it is not possible to estimate the actual amount of gains and losses between actors. In any case, regardless of the actual magnitude of these losses, they have been a substantial source of discontent within the study communities, and have eroded to some extent the trust to traditional institutions as indicated above by the Assemblyman of Kobre and the male FGD respondent in Asuom. Such types of mistrust have also been reported in other studies of LSLAs in Ghana (Ahmed et al., 2018; Boamah, 2014b; Campion and Acheampong, 2014).

Second, from Sections 4.1–4.2, it is observed that the transfer of land rights to company comes with new land dynamics in these study areas. However, land control of the sites is complicated by different factors. In the case of Kwae, GOPDC gave out 20 acres of land that is managed by the outgrowers for oil palm production and residential use as part of their long-term compensation plan. In some cases, the outgrowers are not the same people who lost their land to the company. In other cases where the outgrowers are people who lost lands, the land given by GOPDC might be more or less than the land that was originally lost.

4.3.2. Community analysis of socioeconomic and environmental outcomes

Tables 6 and 7 summarize the socioeconomic characteristics of the different study groups. In GOPDC area the plantation workers have much lower mean incomes and are mostly internal migrants, living in smaller households, and owning little land. Due to low land ownership they also exhibit the lowest consumption levels. Although their socioeconomic status, workers are generally above the poverty line based on expenditure levels (Ghana Statistical Service, 2015). FGDs indicated that plantation workers are entitled to access some social services provided by the community, including access to potable water, health

Table 6
Socioeconomic impacts between those involved and control groups.

Case Study (Feedstock)	Group	Mean annual income per household (GH¢)	Mean Annual Income per family member (GH¢)	Mean Adult Consumption Equivalent (GH¢)
Kwae (Oil Palm) Case I	Worker	5834.5 ± 2501.1	2585.1 ± 1263.8	1663.8 ± 869.9
	Outgrower	12915.2 ± 6051.0	3331.6 ± 1982.8	2275.6 ± 984.1
	Ind. Grower	13429.9 ± 7071.1	3474.6 ± 2151.8	1979.3 ± 479.6
	Control	9092.5 ± 4424.2	2714.5 ± 2056.4	1682.0 ± 462.9
Yeji (Jatropha) Case II	Permanent workers	5086.8 ± 1759.9	1142.0 ± 930.7	827.9 ± 410.6
	Seasonal Worker	4275.4 ± 1790.2	1043.8 ± 979.5	819.4 ± 534.0
	Control	5907.3 ± 3018.9	1254.9 ± 1357.0	1080.8 ± 769.0

Note: Refer to Table S3 (Supplementary Electronic Material) for the statistical significance of the mean differences.

Table 7
Land size owned and cultivated.

Case Study (Feedstock)	Group	Land (ha)		
		Total	Cultivated	Uncultivated
Yeji (Jatropha)	Permanent workers	3.6 ± 1.6	1.4 ± 0.9	2.2 ± 1.3
	Seasonal Worker	2.5 ± 1.7	2.0 ± 1.4	0.5 ± 0.5
	Control	3.5 ± 3.1	3.1 ± 3.1	0.4 ± 0.4
Kwae (Oil Palm)	Worker	0.6 ± 1.3	0.5 ± 1	0.1 ± 0.5
	Outgrower	7.2 ± 3.9	4.1 ± 2.4	3.1 ± 2.3
	Ind. Grower	7.1 ± 3.7	3.5 ± 2.7	3.6 ± 1.8
	Control	4.9 ± 4.5	1.9 ± 0.9	3.0 ± 2.5

facilities, schools and electricity.

On the other hand the oil palm outgrowers and independent growers are better off than the control group in terms of mean income, consumption and land ownership. This is largely due to their involvement in oil palm production that offers a reliable source of income due to the ready oil palm markets developed in the area. Even those independent growers not directly selling to GOPDC reap the benefits of this stable market situation as recalled by an independent grower:

“GOPDC has helped boost oil palm business in this area and we are always assured that someone will buy our palm harvest”

In Yeji, permanent and seasonal workers generally have lower mean income and expenditure levels than non-workers (Table 6). Yet the prevalence of consumption poverty is high throughout the site, standing at 81% and 92% among the control group and the permanent workers respectively. This implies that both groups are generally poor, though their income levels are slightly different. Permanent workers have similar levels of land ownership compared to the control group, but they tend to cultivate less land (Table 6). Conversely seasonal workers have substantially lower levels of land ownership, suggesting that only the poorest community members resort to this type of employment. It should be noted many FGD and expert interview participants identified labour diversion for plantation work as the reason why permanent workers cultivate less land. As one farmer in Kobre suggested:

“My neighbour who is my brother works for the company and our farm lands are very close to each other as we are sharing a family land. Since he started working with the jatropha people, he does not come to farm regularly, and this year he could not cultivate yams”

Table 7 includes the amount of land area owned and cultivated for each study group. In Kwae, the GOPDC workers own significantly less land (0.6 ha) than the other study groups. This is largely because over 60% of the GOPDC worker respondents originate from other parts of Ghana, migrating to Kwae for permanent and seasonal employment. However the migrant workers, as external from the communities do not have the same access and claim to land as local workers. Furthermore, they do not have secure land titles, have smaller household sizes, and

Table 8
Access to ecosystem services and social differentiation.

Case Study (Feedstock)	Group	Number of Services Accessed	Change in Access since the Operation of Company (%)				
			Decreased significantly	Decreased moderately	Remained the same	Increased moderately	Increased significantly
Kwae (Oil Palm) Case I	Worker	1.0	4	4	87	2	3
	Outgrower	4.2	19	14	60	4	3
	Ind. Grower	2.8	20	24	50	3	3
	Control	2.7	11	25	60	3	1
Yeji (Jatropha) Case II	Permanent workers	6.1	21	51	16	7	5
	Seasonal Worker	6.7	25	40	14	10	11
	Control	7.8	27	16	46	3	8

divert most of their labour to plantation employment, hence only cultivating small plots to supplement their household income. However, in Yeji, due to the relatively smaller size (and thus employment needs) of Smart Oil, the overwhelming majority of workers are natives from the communities surrounding the plantation. Due to their status as locals they have similar access to land as the other study groups, as reflected with their similar plot sizes (Table 7). However, plantation workers end up cultivating less land compared to the control group, largely due labour diversion to waged plantation employment.

Table 8 shows the average number of provisioning ecosystem services accessed by different groups, and the perceived change in access since the beginning of the LSLAs. In Kwae there is a general consensus among groups that access to these services has largely remained the same. This can possibly reflect the fact that the project is a bit older and many changes in access have stabilized over the years. In Yeji the overall patterns suggest a significant to moderate decrease in access to ecosystem services since the beginning of the LSLA. The Kadue chief recalled that, since the beginning of the Smart Oil operations the community women venture further to get firewood as the company has cleared much of the woodland closer to the community.

When disaggregating the income, consumption, land endowment and access to ecosystem services by gender of the household head some interesting patterns emerge (Tables 9–11). With the exception of individual growers, female-headed households have lower mean income, consumption and land ownership. Female FGDs in Kwae suggested that women obtain lower salaries than their male counterparts, with a major reason evoked by the company (as mentioned by FGD participants) being that men do most of the heavy work. A female respondent during the FGD in Kwae indicated that:

“If a woman wants some type of job that is high-paying such as working in the mill, the company usually refuses by saying that high educational level is required. Sometimes if you even ask for a harvesting job, they say that such jobs are for men”.

However, female-headed households for independent growers are on average better off than male-headed households. This is largely due

Table 9
Social differentiation of socioeconomic impact based on male and female headed households.

Case Study (Feedstock)	Group	Mean annual income per household (GH¢)		Mean Annual Income per family member (GH¢)		Mean Adult Consumption Equivalent (GH¢)	
		Male	Female	Male	Female	Male	Female
Kwae (Oil Palm) Case I	Worker	6195.8	5172.1	2849.2	2031.4	1800.3	1403.1
	Outgrower	13864.6	10438.3	3577.6	2666.6	2369.0	2023.1
	Ind. Grower	12185.8	13890.1	3058.5	3628.5	1834.6	2032.9
	Control	8998.1	9360.8	2760.6	2583.2	1685.3	1672.5
Yeji (Jatropha) Case II	Permanent workers	5367.9	4866.0	1355.1	822.8	834.4	947.6
	Seasonal Worker	4103.5	4364.0	720.2	1210.5	670.2	896.2
	Control	6372.5	5209.5	1486.7	907.1	1100.9	1050.6

to the fact that women are directly involved in most stages of the oil palm value chain. Female independent growers tend to be also directly involved in small-scale oil palm processing and sales, achieving some sort of value addition from growing oil palm.

In Yeji, the female-headed households of permanent workers and the control group have lower mean income and expenditures than male-headed households. However, seasonal worker female-headed households seem to be better off than male-headed households. Salary disparities between men and women are the main reason for these patterns as according to Smart Oil management, workers are generally paid on an hourly basis. However, men are assigned more hours than women, as women complain that the time spent working for the company limits their time to perform other household activities such as cooking.

Finally there is a general pattern in both sites of female-headed household reporting decrease in access to ecosystem services (Table 11). Comparatively higher proportions of female-headed households indicate a “significant” to “moderate” decline in access to ecosystem services. At the same time, female-headed households derive a larger number of ecosystem services compared to male-headed households in their respective groups (Tables 10 and 11). This suggests that given their comparatively higher reliance on ecosystem services and the loss of access, the ecological transformation accompanying the two LSLAs might affect disproportionately the female-headed households.

5. Discussion

5.1. Legality

Tables 12 and 13 map the evidence collected through the different sources, against the criteria of the International Land Coalition and other national considerations for classifying land transactions as land grabs. The Tables show that most of the considerations are met.

When considering the land acquisition processes mandated in the national law of Ghana, the legality of both these LSLAs cannot be questioned as they comply with the State Lands Act (Act 125) of 1962,

Table 10
Male headed households and access to ecosystem services.

Case Study (Feedstock)	Group	Number of Services Accessed	Decreased significantly (%)	Decreased moderately (%)	Remained the same (%)	Increased moderately (%)	Increased significantly (%)
Kwae (Oil Palm) Case I	Worker	0.3	1	4	93	0	1
	Outgrower	3.0	9	10	75	6	0
	Independent Grower	2.9	11	19	66	1	3
	Control	2.1	3	16	77	3	1
Yeji (Jatropha) Case II	Permanent workers	3.5	23	48	18	0	11
	Seasonal Worker	4.2	24	24	18	0	35
	Control	6.2	23	17	50	2	8

the land registration laws and the 1992 Constitution Article 20(2) (see [Section 5](#)). However, until recently, many African countries (including Ghana) did not have in place an adequate regulatory framework for LSLAs ([German et al., 2013](#)). In Ghana, the new guidelines for LSLAs were developed and adopted in 2015 ([Section 1](#)). As stipulated under the Lands Commission policy for large scale land acquisitions, LSLAs had to be subjected to community hearing before formal registration. We have found documented evidence, which shows that these processes were followed for both LSLAs.

By virtue of the documented evidence found and the legal processes followed, the two LSLAs do not violate human rights and have sought prior informed consent as per the International Land Coalition requirements. Furthermore, in both cases, environmental impact assessment (EIA) reports and scoping studies were done, meaning that investors also complied with the EIA reporting requirement. However, it is important to keep in mind that the weak implementation of formal land administration regulations often opens avenues for the manipulation of formal LSLA processes by powerful external actors, such as chiefs and investors ([De Schutter, 2011](#)). When such manipulations have occurred, the facts included in formal documents may only reflect negotiated arrangements between land acquirers and officials of land administration agencies. Thus, the possibility that the documentary evidence of LSLA processes can be manipulated, should not be discounted. For example, [De Schutter \(2016\)](#), argue that land grabbing and corruption are interlaced and mutually re-enforcing. They outlined two forms of corruption; (1) bribing state officials to facilitate land access and (2) building institutions in such a way that can allow business and political elites to ignore state law and grab land with impunity ([De Schutter, 2016](#)).

However, such tendencies were not encountered for the cases considered in this study, whether through the interviews and examination of the documentation. In fact, the results suggest a strong alignment between what was reported by the chiefs, the company and the formal documentary evidence ([Tables 4 and 5](#)). It seems that when it comes to legality, both these LSLAs are legal. As a result, caution must be taken when labelling such LSLAs as land grabs, because some may not necessarily be so. According to [Wily \(2011\)](#), if a LSLA is still considered a land grab after meeting the requirements of the national domestic law,

then it is a problem with the law and not of the LSLA itself.

However, as discussed below the situation is not as clear-cut. There are wider issues that need to be considered such as community consultation and compensation that complicate the labelling of LSLAs as land grabs (or not) ([Section 5.2](#)).

5.2. Consultation and compensation

As discussed in [Sections 4.1–4.2](#), both LSLAs have undertaken some forms of community consultation. For Smart Oil there is documented evidence, which clearly shows that such processes occurred. There is also documented evidence for GOPDC supported expert interviews (personal communication, Chief of Otumi, Chief of Asuom, PRO-GOPDC, 2017). In fact [Tables 4 and 5](#) suggest an alignment between three sources (i.e. company, chiefs, formal documentation), which do not align with the claims of the local community respondents who indicated that they neither had information about the LSLA, nor participated in related consultation processes. This raises several implications about the how these local community “accusations” should be interpreted when labelling LSLAs as land grabs.

Here, the main issue around wider participation and prior informed consent is not that the consultation processes did not happen (multiple sources of information suggest that they did), but whether the representation was appropriate and inclusive. Several studies in Africa, including Ghana, suggest that participation in such processes has been often selective and confined to specific community members, usually those that are better off or close to chiefs (e.g. [Ahmed et al., 2018](#)). This means these processes could have been “manipulated” to meet the self-interest of chiefs (see [Section 5.2](#)), raising issues related to “representation without participation” ([Ribot, 1996](#)). In both LSLAs there have been cash payments for compensation, but the benefit-sharing has been a major source of controversy between chiefs and local communities. For GOPDC, migrant workers opted for cash compensation rather than a resettlement package. For Smart Oil, cash has been paid in a lump sum, as well as an annual rent to the stool as per the legal provisions ([Table 1](#)). There is documentary evidence of the payment of rents and compensation at the Office of the Administrator of Stool Lands (OASL), which has also been verified by both the chief and the

Table 11
Female headed households and access to ecosystem services.

Case Study (Feedstock)	Group	Number of Services Accessed	Decreased significantly (%)	Decreased moderately (%)	Remained the same (%)	Increased moderately (%)	Increased significantly (%)
Kwae (Oil Palm) Case I	Worker	0.3	11	4	70	7	7
	Outgrower	4.6	41	22	28	0	9
	Independent Grower	2.5	44	37	7	7	4
	Control	4.2	33	48	15	4	0
Yeji (Jatropha) Case II	Permanent workers	6.0	20	54	14	13	0
	Seasonal Worker	5.8	27	45	12	15	0
	Control	8	33	15	40	5	8

Table 12
Key considerations for label the studied LSLAs as land grabs.

Level	Criteria	Case I GOPDC	Case II Smart Oil
International: International Land Coalition	No violation of human rights	YES	YES
	Prior informed consent	YES	YES
	Socioeconomic impacts	Mixed**	Negative****
	Environmental impacts	Changes in access to ecosystem services have generally remained the same but women mostly affected when there is a decline in access	Significant to moderate decrease in changes in access to ecosystem services with women mostly affected
	Planning and participation	YES*	YES*
National: Formal and informal considerations and processes within Ghana	Compliance with prevailing national laws	YES	YES
	Processes within Lands Commission	YES	YES
	Processes outside Lands Commission	YES*	YES*
	Compensation	YES*	YES*

* Denotes: differences between documented evidence and local narratives.

** The control groups are better off than those involved as workers but those involved as outgrowers and independent smallholders are better than the control group.

**** The control group is better than those involved within the LSLA value chain.

Table 13
Distributional outcomes among different groups.

Case Study (Feedstock)	Group	Distributional Outcomes	
		Socioeconomic	Environmental
Kwae (Oil Palm) Case I	Worker	Men have higher household income than women. Both groups are better than their respective control groups.	Less number of ES are accessed but general perception is that change in access is relatively stable compared with control group
	Outgrower		Women access more ES than men but change in access for men is fairly stable while women report significant to moderate decreases in access to ES compared with control group
	Ind. Grower	Women have higher household income than men	Men access more ES than women but change in access for men is fairly stable while women report significant to moderate decreases in access to ES
	Control		Women access more ES than men but change in access for men is fairly stable while women report significant to moderate decreases in access to ESS
Yeji (Jatropha) Case II	Permanent workers	Men have higher household income than women. But the control group is better than workers.	Women access more ES than men and both groups report significant to moderate decreases in access to ESS compared with control group
	Seasonal Worker	Women have higher household income than men but less than the control group	
	Control	Men have higher household income than women	Women access more ES than men and both groups report a fairly stable access to ESS

company (Tables 4 and 5). The fundamental question in both cases is what happens to the compensations paid.

Recent studies in Ghana argue that is not just enough to pay the compensation as per the legal requirement, but pay it to the rightful recipient (Kidido et al., 2015b). In both cases, the customary system does not have an explicit definition of who is the rightful recipient of such compensation. By a way of a de facto practice, compensation and rent are paid to the stool, which then reallocates it among the affected community members. However, this allocation and distribution of the compensation has failed to take place appropriately in the Smart Oil case study (Section 4.2.2), and not because the compensation was not paid by the investor. Similarly, for the GOPDC case study, there has been discontent with the compensation as multiple respondents suggest it was wasted in the late 1990s (Section 4.1.2). It seems to us that several of the accumulated effects of how compensation has been used reflect the current predicaments of migrant farmers in Kwae and Kadue.

Although the issues of non-payment of compensation and lack of consultation raised by local communities can give an indication of grabbing, they do not make a complete case for labelling these LSLAs as land grabs, as that is a narrow focus especially going beyond the ILC criteria. On the one hand the legal requirements were met, consultation was held and compensation was paid. On the other hand, it could be argued that ethically the manipulation or simply the bad planning of the consultative processes and compensation prohibited certain

community voices from being heard or rightful receivers of compensation be compensated. This does not legally constitute the LSLAs as land grabs, but at the same time offers a precarious ground to use to avoid labelling it as such (Section 5.3).

5.3. Distributional outcomes and benefit grabbing

Our results suggest that both LSLAs had some important distributional outcomes between actors. When it comes to distributional outcomes at the community level the study groups exhibit large variations in socioeconomic status and access to ecosystem services (Section 4.3). However some interesting distributional patterns emerge in the two study sites.

In Kwae we can simultaneously observe the emergence of “prosperous” and “disadvantaged” social segments. Oil palm outgrowers and individual growers are better endowed in terms of land holdings, which allows them to engage in oil palm agriculture that requires large tracts of land to achieve high economic benefits. These two groups have by far the highest mean income and consumption. It can be argued that these already better-off households reap the highest benefits from the LSLA. In the long-term this can lead to disproportionate capital accumulation that might result in social disparities. At the same time there is an emerging poorly paid working class consisting of migrants with low land ownership. Even though it can be argued that plantation work

(even poorly paid) is desirable in poor rural context with few formal employment opportunities (von Maltitz et al., 2016), it can also be argued that it might have negative long-term social outcomes. Finally most households (especially female-headed) seem to have experienced substantial loss of access to ecosystem services. Even though control groups report the same level of loss as outgrowers and independent growers, the fact that they do not get “compensated” from oil palm income. This indicates that loss of access to these ecosystem services might have a more profound long-term effect on their livelihoods.

In Yeji, the dynamics are partly similar to Kwae in terms of signs of poorer segments (especially seasonal workers) and loss of ecosystem services. However contrary Kwae there does not seem to be any group that clearly benefits from the LSLA. When taking into consideration the low plantation salaries, labour diversion and loss of ecosystem services, it can be argued that in the long-term all groups will be worse off in some way. However, further research and long-term monitoring would be needed to establish properly whether such phenomena will manifest. It is worth mentioning that some local communities members raised legitimate concerns about further labour diversion due to Smart Oil’s recent involvement in food crop production. This activity coincides with family farming tasks, and as the food crops will not be sold or consumed locally, this can affect local food availability. On the contrary company management claims that food crop production was recommended during the EIA process by the local communities, chief and the government. Food crops were added as a minor investment portfolio to address food security concerns associated with “food vs. fuel” competition. However, this points to the fact that changes following the LSLA can give rise to further impacts and contestations.

Amidst these contestations, the unsatisfactory current state of affairs from the perspective of some community members does not arise from the manipulation of law from the investors, but rather from manipulating the customary system within which chiefs operate (i.e. benefit grabbing). This takes a form of benefit grabbing, in this sense it is the chiefs and investors that reap most of the benefits of LSLA, a situation that sometimes leads to poor distributional outcomes.

In both study areas, the activities of chiefs with regards to compensation confirms the argument that chiefs have essentially assumed a proprietary position over the hitherto fiduciary position (German et al., 2013). This manifests in the attempt of the Yeji paramount chief to destool the Kadue chief. This transitional position of chiefs finds resonance with the broader literature on LSLAs in Ghana (Ahmed et al., 2018).

6. Conclusion

This paper outlines how procedural and distributional lenses can be used to examine whether LSLAs exhibit the characteristics of land grabs. We applied both lenses on two LSLAs in Ghana that reflect different drivers/processes of land acquisition, crops and modes of production. The land for these LSLAs was acquired through different mechanisms related to compulsory state acquisition (for the Kwae study) and neoliberal market-driven policies (for the Yeji study).

In terms of procedural aspects, both LSLAs meet the legality criterion and various other requirements outlined by the International Land Coalition. However, despite their legality, many informal processes affected how consultation was undertaken, and how compensation was received and used. A lot of these processes were “manipulated” by the local chiefs, and have largely influenced the uneven distributional outcomes of these LSLAs.

In terms of distributional outcomes between actors, it is clear that chiefs used their privileged position within the land governance system for their own benefit. Many sources point that chiefs benefited directly and indirectly from this involvement. In this respect both LSLAs allude more to benefit grabbing from the side of the chiefs.

In terms of distributional outcomes between community members, we see some groups in Kwae that can be characterised as “winners” (i.e.

oil palm outgrowers and independent growers) and “losers” (i.e. plantation workers and control group). While it is not fair to claim that this “benefit grabbing” is intentional, the fact remains that it might have long-term social ramifications in the area. Instead in Yeji no group seems to clearly benefit disproportionately from the jatropha LSLA. When considering the low salaries, labour diversion and loss of access to ecosystem services, it is highly possible that all groups might be worse-off in the long run from the LSLA.

The above suggests that even though these two lenses provide rich information on whether LSLAs exhibit the characteristics of land grabs, their combined insights might not be conclusive to actually label the LSLAs as land grabs. In our case, on the one hand, it is problematic to concretely label the two LSLAs as land grabs despite exhibiting some characteristics. Rather we observed that some actors obtained disproportionately some benefits (both tangible and intangible) from the LSLA projects. Key aspects that provide insights as to whether benefit grabbing has taken place is how these benefits are shared, and the processes that facilitate or impede fairness among the different actors. That said, unlike the most land grabbing literature, we rather think that land grabbing in our two study LSLAs reflects more of a benefit grabbing and not grabbing of the physical land entity.

Following strictly our empirical evidence, the end result of both procedural and distributional analyses generally indicates ‘benefit grabbing’. Benefit grabbing therefore represents any alternative perspective of understanding land grabbing. Contrary to the essential characteristic of land grabbing that dwells in the effective control of land, it is the processes of negotiation, consultation and compensation that underlie how the benefits are reaped, and thus whether benefit grabbing has occurred. It is possible that the dynamics observed in the two study sites arise from the inconsistencies in de jure (i.e. formal) and de facto (i.e. informal) procedures of land administration. Thus it would be necessary to further regulate or formalize the de facto procedures of land administration, as well as address the involvement of chiefs.

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Appendix A. Supplementary material

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