

The role of chiefs in large-scale land acquisitions for jatropha production in Ghana: insights from agrarian political economy

Abubakari Ahmed^{a,*}, Elias Danyi Kuusaana^b, Alexandros Gasparatos^c

^a Graduate Program in Sustainability Science, The University of Tokyo, Building of Environmental Studies, 5-1-5 Kashiwanoha, Kashiwa City, Chiba, 277-8563, Japan

^b Department of Real Estate and Land Management, University for Development Studies, Post Office Box UWP 3, Wa, Ghana

^c Integrated Research System for Sustainability Science (IR3S), The University of Tokyo, 7-3-1 Hongo, Bunkyo-ku, Tokyo, 113-8654, Japan

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ABSTRACT

Ghana experienced a surge in large-scale land acquisitions in the past decade spearheaded by the bioenergy crop jatropha. To accommodate such acquisitions, small and medium-sized land holdings were consolidated to develop large parcels of land that could accommodate large-scale investments. Chiefs have been an important player in these processes as they are supposed to be the custodians of land in Ghana. However, they often engage with such land acquisition processes in a counterproductive manner, deeply affecting their outcomes. Chiefs often act as the gatekeepers of large-scale land acquisitions, helping foreign donors/investors and the state steer the institutional landscape of land tenure, which is not only complicated but also prone to social conflicts. In order to unravel the exact roles that chiefs have played in such processes (and the motivations behind their actions) we adopt an agrarian political economy framework based on the five key questions: “*who owns what*”, “*who does what*”, “*who gets what*”, “*who interacts with whom*” and “*participation by whom in what*”. To answer these questions, we conduct interviews with chiefs, experts and local households around five collapsed jatropha plantations in Ghana. Our empirical analysis suggests that chiefs often went beyond their customary roles as land custodians, by occasionally acting as land owners/sellers, expropriators, negotiators, receivers of compensation, and sources of conflict. These roles are to an extent an outcome of the weak, undocumented and largely discretionary land administration system of Ghana, which allows chiefs benefit by bypassing both customary and statutory land laws. Chiefs were often motivated by expected economic gains for themselves at the expense of the communal interests. On some cases this unconstructive role catalysed the collapse of the jatropha investments. These suggest the need for deep land policy reforms within the land administration system of Ghana. While the recent adoption of guidelines for large-scale land acquisitions promoted by the government of Ghana is a good start, land policy reforms should go deeper. Further reforms would be needed to strengthen the current legislation in terms of harmonizing all land laws, as well as outlining explicit directives for land negotiations, compensation (including defining the rightful recipients of compensation) and the effective evaluation of large-scale land acquisitions.

1. Introduction

The recent interest for foreign direct investments (FDIs) in commercial agriculture has been an essential driver of (and strategy for) economic development in many countries of sub-Saharan Africa (SSA) (Schoneveld, 2014). The potential pressure that large-scale commercial agriculture (and other land-based investments) can put on land has gained ample attention in the academic literature with a wealth of research on land availability for large-scale agricultural development (Cai et al., 2011; Lund, 2012; German et al., 2013; Gibbs and Salmon, 2015).

Biofuel feedstocks have constituted a substantial portion of large-

scale acquisitions during the last decade in SSA (Messerli et al., 2014; Schoneveld, 2014). Jatropha in particular has been a major contributor to large-scale land acquisition processes around the continent (Gasparatos et al., 2015; Schoneveld, 2014). Often investors have used discursive constructs such as ‘*marginal lands*’, ‘*idle lands*’, or ‘*under-utilised lands*’ in order to obtain the support necessary to gain access to land for feedstock cultivation and downplay any potential negative effects on food security (Ahmed et al., 2017a).

However, despite such discursive constructs, prevailing land tenure systems influence quite substantially the modalities and complexities that accompany large-scale land acquisitions. In most SSA countries,

* Corresponding author.

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

land is customarily and communally owned, with chiefs¹ acting as custodians of the local communities' allodial interests (Anafo, 2015; Biitir and Nara, 2016). The different types of tenure arrangements in SSA reinforce land fragmentation, thereby complicating large-scale agricultural development (Abubakari et al., 2016).

For example, in order to obtain land parcels of sufficient size to accommodate large-scale agricultural production it is often necessary to consolidate smaller parcels of land from individual landowners, families or broader segments of the local communities. Such consolidation processes are usually mediated by local chiefs and generally involve the re-allocation of fragmented parcels of land (Abubakari et al., 2016), which are then transferred from local land users to foreign investors (Cotula, 2012). However, due to the complicated land tenure and land compensation processes in several African countries, including Ghana, the process followed for large-scale land acquisitions is not always clear on procedures and responsibilities (German et al., 2013).

Land acquisition processes as the ones outlined above have often been perceived in a negative light by academics, and have been commonly branded as 'land grabbing', 'primitive accumulation' or 'land-seizure' (Cotula, 2012; Coscieme et al., 2016). Neoliberal policies have largely influenced the recent surge in land acquisitions and possibly land-grabbing' and 'primitive accumulation in Africa (Becker and Wittmeyer, 2013; O'Laughlin, 2016). It is often asserted that the negative externalities of 'land grabbing' stem from the direct involvement of sovereign governments or large private investors (Cotula, 2012; German et al., 2013). Several studies have emphasised the role of other stakeholders for creating the enabling conditions for land grabbing, including national governments, professional farming groups, civil society organisations, and other public workers (Fold and Gough, 2008; German et al., 2013; Cotula, 2012; Boamah, 2014a; Wendimu, 2016). Different stakeholders have contributed deliberately or undeliberately to such neoliberal policies, ultimately playing a key role in the expropriation of land during large-scale land acquisitions (Becker and Wittmeyer, 2013; Buscher, 2010; Jacobs, 2013).

Several studies have identified the critical role of chiefs in land transactions during the recent land rush, and the significant impact they can have both within and outside their local communities (Schoneveld, 2017; German et al., 2013). For example, studies have pointed the unconstructive role that chiefs and other local elites have played during jatropha-related large-scale land acquisitions, and how they contributed to the collapse of jatropha projects (Acheampong and Campion, 2014; Boamah, 2014b; Neimark, 2016). Other studies have explored the unconstructive role of chiefs in terms of participation and decentralisation in resources management (Ribot, 1996, 2003; Berry, 2004).

However, despite a series of institutional analyses (e.g. German et al., 2013), there has been relatively limited empirical research about the role that chiefs play in large-scale land acquisitions. This includes major gaps on how chiefs can use their cultural and political powers to empower foreign operators and the state in land deals, as well as how this has affected local communities and the land investments themselves.

The aim of the study is to critically examine the involvement of chiefs in large-scale land acquisition processes, using insights from the recent jatropha expansion in Ghana. As jatropha-related land acquisitions happened relatively recently, they can offer a good case study for understanding how chiefs engage in land acquisition processes, and what their roles, motivations and effects of their actions have been on local communities and agricultural investments. We focus on Ghana because it is one of the SSA countries that has experienced one of the

biggest surges in large-scale land acquisition in the past decade, especially for jatropha production (Ahmed et al., 2017a; Schoneveld, 2014). Jatropha was major bioenergy feedstock promoted by the government of Ghana since the mid-2000s without having appropriate guidelines for large-scale land acquisitions in place, or even a solid knowledge base about the agronomy of the crop (Ahmed et al., 2017b).² It is also worth mentioning that land issues have become even more visible following the collapse of the jatropha sector in Ghana (Ahmed et al., 2017a) that left a legacy of unresolved land issues related to whether/how the local communities can regain land access after the collapse of jatropha investments and who is responsible for the agro-ecological restoration of the large areas already converted into jatropha (Ahmed et al., 2017c).

The study employs the main agrarian political economy questions of Bernstein (2010) supplemented by concepts from Borrás et al (2010), Ribot (1996; 2003) and (Obeng-Odoom, 2015a). Understanding the roles that chiefs play and their motivation can offer a better perspective on policy choices and land reforms that go beyond the mere adoption of guidelines for large-scale land acquisitions.

Section 2 provides an overview of the institutional and historical context of land acquisitions in Ghana, and the role that chiefs have played. Section 3 introduces our analytical approach and the study sites. Section 4 highlights some of the most pertinent questions regarding the role of chiefs in the political economy of large-scale jatropha land acquisitions in Ghana. Section 5 explores the motivations behind the roles that chiefs adopted in large-scale land acquisition processes. Section 6 unravels their implications for the collapse of jatropha projects in Ghana. Section 7 highlights how some of the main findings of our study could inform future policies for the agrarian system of Ghana, while Section 8 outlines some of the gaps of our study and suggested future research.

2. Institutional and historical context of land acquisition and chiefs' involvement in Ghana

The involvement of chiefs in the politics of customary land in Ghana can be better understood when taking into consideration two distinct aspects. The first relates to how the state has attempted to formalize the customary land system and establish institutions that shape the relationship between rights-holders (local communities) and duty-bearers (state institutions). Such interventions eventually introduced the concepts of land lease and eminent domain (Mends, 2006; Yaro, 2012; Abubakari et al., 2016) that gave new powers to chiefs for the allocation of land (Amanor, 2010).

The second relates to the fact that between 2005 and 2012 due to the lack of clear guidelines on how to navigate large-scale land acquisition processes, chiefs have influenced significantly several of the large-scale acquisitions. This could not have been more evident in the mid-to-late 2000s surge of biofuel-related FDIs in Ghana (Boamah, 2014b). More specifically between 2005 and 2008, about 21 Jatropha projects gained access to nearly 1 million hectares of land, with most collapsing within 5 years of operation (Ahmed et al., 2017a). Chiefs often played a key role in the collapse of jatropha projects (Acheampong and Campion, 2014; Boamah, 2014b; Ahmed and Gasparatos, 2016). For example, Boamah (2014a) discusses how chiefs formalised land deals using different informal procedures. Campion and Acheampong (2014) show how chiefs and traditional institutions served as sources of conflicts and at the same time arbitrated disputes in biofuel projects, focusing particularly on land conflicts and how they were/could be mediated.

¹ For the purpose of this paper we define chiefs as those persons with jurisdiction, power and control of land resources over a particular social stratification. In several parts of SSA chiefs are seen as the link between the people and the Gods, who make decisions on behalf of the subjects. (i.e. local communities) A chief is in most cases the traditional head ruler of a certain tribe or community.

² Other potential biofuel feedstocks in Ghana such as oil palm and sugarcane have not experienced the unprecedented boom of jatropha. Other industrial crops such as cocoa and cotton have a long history of formalization in Ghana, and are mainly pursued through smallholder production rather than through FDIs as jatropha.

Table 1
Legislative instrument and provisions related to large-scale land acquisitions in Ghana.

Legislative Instruments/provisions	Relevant Issue
Administration of Lands Act, 1962 (Act 123)	Chiefs are granted fiduciary duties on all vested lands, while the state exercises the administrative rights
Constitution, 1992	Chiefs should represent their subjects as custodians/trustees of land and not as owners
Constitution, 1992	Customary land cannot be sold. It can only be leased for a period not longer than 99 years for residential uses, and 50 years for commercial and agricultural uses.
Constitution, 1992, Land Title Registration Law, 1986	Leasehold titles last for a maximum of 50 years for foreigners
National land Policy, 1999	There shall be no land dispossession without the consultation of those that used the land before
Environmental Assessment Regulation, 1999a, 199b	Compulsory public hearing during Environmental Impact Assessments (EIAs). Appropriate impact mitigation plans must be developed and included in EIAs.
Ghana Investments Promotion Act, 1994	Ghana Investment Promotion Centre (GIPC) should oversee land acquisition processes by acting as the interface between investors and local communities
Constitution, 1992, National land Policy, 1999	Mandatory compensation and benefit sharing if land acquisition displaces land users or other beneficiaries. Compensation should be paid to displaced people and those affected directly.

Source: Authors' compilation from the legislations within the Table, 2016.

What is important to keep in mind is that this biofuel boom happened without any formal guidelines in place to regulate such acquisitions. Before the 2012 guidelines for large-scale land acquisitions were introduced, there were only some scattered clauses in various legal instruments to regulate such processes (Table 1). When the guidelines were eventually introduced in 2012 virtually all *Jatropha* projects had collapsed in Ghana (Ahmed et al., 2017b).

While the biofuel boom was a period when the involvement of chiefs in land deals became very obvious considering the large number of investments, size of allocated land and amount of invested capital (Ahmed et al., 2017a, 2017b), it was hardly the beginning of this phenomenon. Studies on the historical context of land reforms in Ghana have tracked how the imposed system of chiefs since the British colonial era gave power to already powerful individuals setting the stage for the development of an elite (i.e. chiefs) (Obeng-Odoom, 2015a, 2015b).

In particular, the British introduced chieftaincy to parts of Ghana (notably the Northern regions), where Earth Priests were previously in charge of land (Lund, 2008). This was done through a system of a warrant, thereby making only the rich people and strong to attain chieftaincy status (Kasanga and Kotey 2001; Obeng-Odoom, 2015b). This system warranted that only the economically powerful could have access to the title of a chief, making the chieftaincy an autocratic institution given that the powers vested in it never existed before (Howard, 1978). The overwhelming powers of chiefs in customary land deals were further reinforced through the 1928 Native Administration Ordinance (NAO), which consolidated the roles and the position of native authorities (i.e. the chiefs) in the management of communal land, and this system survives since independence (Kuusaana and Gerber, 2015). However, the presence of legal pluralism in the land administration system, and the fluidity of customs brought in adaptive arrangements in the land administration system (Lentz; Kuusaana and Gerber, 2015). This opened up an avenue for negotiations and ambiguous interpretation of laws that chiefs have used to their advantage in assuming new roles in the land market of Ghana (Section 5).

While before independence, traditional rules allowed people to “destool” or depose some chiefs who were abusing their office (Lentz, 2011). However, this has been much more difficult in the post-independence era. Postcolonial administrations have made several attempts to address the challenges that the new roles of chiefs pose for land deals by trying to put in institutional and legislative reforms (Kuusaana and Gerber, 2015). Notable such recent reforms include the establishment of the Customary Land Administration, which has been mandated to set up the Customary Land Secretariats to deal with customary land issues (Kuusaana and Gerber, 2015).

However, most of the reforms put in place have further complicated matters as reflected in the non-structured linkages, depriving the socially vulnerable of secured land tenure and favouring the politically powerful (i.e. the chiefs) (Whitehead and Tsikata, 2003). Some studies

have even reported that chiefs deliberately distort historical records and accounts on land boundaries, both in an attempt to ‘re-write’ history and control land for the powerful chiefdoms (Lentz, 2011; Obeng-Odoom, 2015b).

3. Methodology

3.1. Research approach

This study adopts a Political Economy framework and considers political institutions and processes related to land in light of external economic influences (Munro, 2012). Political Economy approaches seek to understand the roles of institutions in shaping the economic choices of different stakeholders (Chinsinga et al., 2013). They can help explain how political factors influence market practices and why conditions such as power and resource allocation/distribution asymmetries occur (Obeng-Odoom, 2015a).

In particular, we adopt as the guiding conceptual framework of our study the fundamental agrarian Political Economy questions of Bernstein (2010), i.e. “*who owns what*”, “*who does what*”, and “*who gets what*”. These are supplemented by the question of “*who interacts with whom*” in land acquisition processes (Borras et al., 2010; White et al., 2012; Peter, 2013) and the question of “*participation by whom in what*” (Ribot, 1996). These are supplemented with concepts from Marxist and Georgist agrarian Political Economy (Obeng-Odoom, 2015a).

Bernstein (2010) suggests that the rural poor in agrarian societies can be categorised in different classes of labour that for the purpose of this study include chiefs, landowners, and farmers, all of who have conflicting interests, and are impacted differently by land acquisitions. For example, members of the different classes may be exploiters, gatekeepers, victims and beneficiaries of large-scale land acquisitions. For the purpose of this study we conceptualise chiefdoms as centralized traditional political institutions where chiefs are the heads, and investigate how chiefs interact with other players as they mediate land processes to bring economic development (or not) to their communities.

The first question (“*who owns what*”) relates to issues of land rights and the different claim people have on land (Section 4.1). The second question (“*who does what*”) relates with the predefined roles of the different classes of labour within the society in terms of land, and particularly of the chiefs (Section 4.2). The third and fourth question (“*who interacts with whom*”) and (“*participation by whom in what*”), views societal interactions as a mechanism through which land deals take place. In this study, this relates to processes related to land rights transfers, land acquisition processes and the different roles of the different classes of labour (Section 4.3). The fifth question, (“*who gets what*”), relates to the benefits (or otherwise) that emanate from the different and often conflicting social positions on land between the different classes of labour (Section 4.4).

We have adopted the conceptual framework of Bernstein (2010) as the basis of this paper considering its strong focus on human-environment interactions at the local level in agrarian settings (see Borrás et al., 2010). This makes it ideal to dissect how chiefs interacted with jatropha investments locally, and how this affected the investments themselves. The decision of this framework also reflects the fact that the local context is a major shaper of this interaction as jatropha expansion happened in predominately poor rural areas of semi-arid Ghana (Ahmed et al., 2017a). These areas are often considered marginal (Ahmed et al., 2017c) and have a history of neglect from development interventions (Yaro, 2009). At the same time, pre-existing local land related disputes are quite common in the semi-arid area that experienced most of the jatropha expansion (Yaro, 2009).

The unique characteristics of Bernstein (2010) framework makes it more suitable to tease out these local effects compared to other political economy frameworks focusing on the national and international scale (see some of the discussion in Obeng-Odoom, 2015b). The supplementary questions from Borrás et al (2010) and Ribbot (1996) bring additional lenses that are important to understand the complex interrelationships between chiefs, local communities, investors and the state, at the context of large scale land acquisitions. However, we acknowledge some of the shortcomings of our approach in the sense that a complex issue such as land tenure cannot be entirely addressed by breaking it down to a series of simple question. For this reason, in Section 7 we engage with more critical studies of the land administration system of Ghana that use colonial and institutional analysis (Obeng-Odoom, 2015a; 2015b).

3.2. Study sites

We selected for this study, five (5) Jatropha projects that collapsed partly due to some action that chiefs played (Ahmed et al., 2017b) as shown in Table 2. Between them, the selected cases represent approximately a fifth of all collapsed Jatropha projects in Ghana (Ahmed et al., 2017a).

These study sites were selected to represent the different ecological zones and customary land administration systems of Ghana (Section 3.1), Fig. 1. Between them they offer the opportunity to obtain a broad understanding of the different characteristics of customary land administration systems in the country. For example, in the study sites of Northern Region (Kpachaa and Kadelso) land is generally owned by individuals, families and clans, with chiefs acting as custodians of the customs and traditions (Yaro and Tsikata, 2013; Tsikata and Yaro, 2014). These areas fall under the customary system of land administration where chiefs have only the jurisdictional control and not the

ownership of land (Section 4.1). Ahinakom and Kobre, on the other hand, exhibit mixed characteristics of both the southern and northern Ghanaian land administration systems. This is because in these areas, there are clear demarcations between chiefs and other landowners in terms of which areas are under the control of chiefs and other individuals/families. In all the selected cases, landowners have usufructuary interest on the land, and most migrant farmers have share tenancy and lease agreements.

3.3. Data collection and analysis

To understand the roles of chiefs in jatropha-based large-scale land acquisition processes we use a variety of data sources. Primary data sources include expert interviews and household surveys, while secondary data sources include policy documents and grey literature (Table 3). As shown in Table 3 between them the expert interviews and the household survey reflected the fundamental agrarian Political Economy questions of Bernstein (2010).

For the first two agrarian political economy questions (i.e. “*who owns what*”, “*who does what*”) data was mainly collected through an institutional and policy analysis focusing on the major policies and laws regarding the different interests on land and pre-defined roles of chiefs (see also Section 2). This was further substantiated through the critical reading of peer-reviewed literature on land reforms and the role of chiefs in large-scale acquisition in Ghana (e.g. Campion and Acheampong, 2014; Boamah, 2014a, 2014b; Obeng-Odoom, 2015a, 2015b; Obeng-Odoom, 2014; Yaro, 2009, 2012; Elhardary and Obeng-Odoom, 2012; Knierzinger, 2011; Lentz, 2011).

This policy analysis was supplemented with expert interviews with national stakeholders that have experience with jatropha large-scale land acquisitions, including Oxfam Ghana, Civil Society Coalition of Land (CICOL) and the Lands Commission (Table 3). These interviews focus much more on the role of chiefs and provided insights about their institutional mandate and the different motives and actions of chiefs in large-scale land acquisitions in Ghana.

For the last three questions (i.e. “*who interacts with whom*”, “*participation by whom in what*”, “*who gets what*”), we conducted 166 household surveys in local communities around five collapsed jatropha projects (Section 2.3) and 5 expert interviews (4 with local chiefs and one with an opinion leader in Kobre than does not have a chief). In particular, we solicited their perspectives about how land acquisition processes unfolded in their areas, the roles of different players, as well as the challenges that emerged during the acquisition processes and how these were addressed.

Expert interviews at the local and the national level were semi-

Table 2
Characteristics of study sites.

	Kpachaa	Kadelso	Kobre	Ahinakom	Adidome
Administrative Region	Northern	Brong Ahafo	Brong Ahafo	Brong Ahafo	Volta
Investor name	BioFuel Africa	Jatropha Africa	Kimminic Corporation	Savannah Black Farming	Galton Agro Ltd
Investor Origin	Norway	UK/Ghana	Canada/Ghana	United States	Israel
Year of Start	2006	2007	2007	2007	2008
Year of Collapse	2011	2012	2012	2011	2012
Land acquired/sold (ha)	10,696	120,000	50,000	4000	100,000
Land cultivated with jatropha (ha)	1000	5000	1,050	202	325
Ecological zone	Guinea savannah	Guinea savannah	Transitional forest	Transitional forest	Deciduous forest
Incidence of poverty in study Districts (%)	35.3	35.9	41.9	44.7	46.0
Land title type	Lease	Lease	Lease	Lease	Lease
Rights of affected people	- Usufructuary - Shared tenancy	- Usufructuary - Shared tenancy	- Usufructuary - Shared tenancy	- Usufructuary - Shared tenancy	- Usufructuary - Shared tenancy
Number of surveys	37	31	29	30	40
Surveys as fraction of local community (%)	33	16	8	30	19

Source (Ghana Statistical Service, 2014, 2015; Ahmed et al., 2017a).

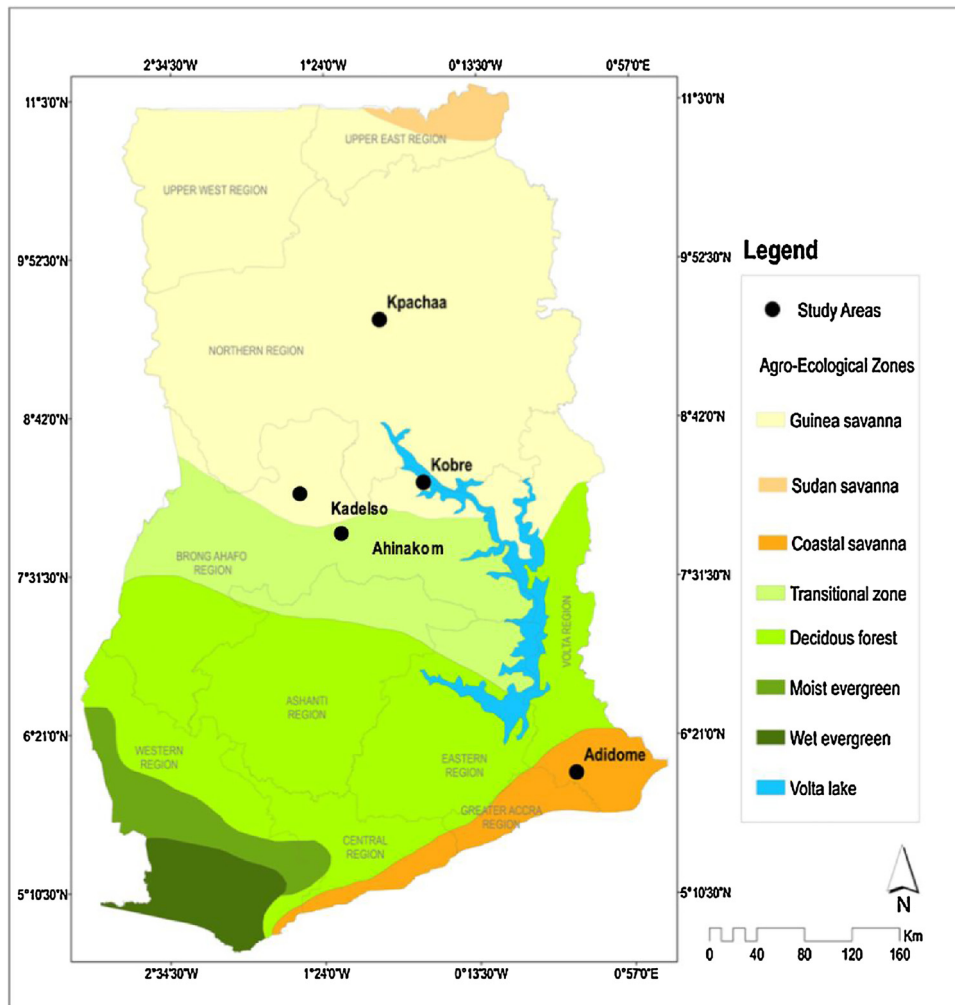


Fig. 1. Location of study sites in Ghana.

Table 3
Data used to answer the four agrarian political economy questions.

Agrarian Question	Research Issues	Primary data	Place of data collection	Secondary Data
<i>Who owns what</i> [*] (Section 4.1)	- Interests on customary land - Land rights and land tenure systems	- 3 expert interviews with: - Oxfam Ghana - CICOL - Lands Commission	Accra	- Policy documents ^{***} - Peer-reviewed literature
<i>Who does what</i> [*] (Section 4.2)	- Roles of chiefs in land administration			
<i>Who interacts with whom</i> ^{**} Participation by whom in what ^{****} (Section 4.3)	- On-the-ground experiences of land acquisition processes. - Extent and process of benefit-sharing	- 5 Expert interviews (4 local chiefs and 1 opinion leader) - 166 household surveys with local communities	- Kadelso - Ahinakom - Kpachaa - Adidome - Kobre	- Peer-reviewed literature
<i>Who gets what</i> [*] (Section 4.4)	- Roles of chiefs in Jatropha land deals. - Motivations to allocate land to investors			

* Bernstein (2010).
 ** Borrás et al., 2010 White et al. (2012); Peter (2013).
 *** Administration of Lands Act, 1962 (Act 123); Constitution of the Republic of Ghana, 1992; Conveyancing Decree 1973, (NRCD 175); Chieftaincy Act of 2008; Environmental Assessment Regulation, 1999a, 199b (LI 1652); Ghana Investments Promotion Act, 1994 (Act 478); Land Title Registration Law, 1986 (PNDC L152); National land Policy, 1999.
 **** Ribot (1996).

structured regarding the type of questions asked, and open-ended regarding the type of answer offered, (i.e. respondents were allowed to elaborate freely. The household survey was structured with some questions having fixed-ranged answers and others being open-ended. Manual coding was used to extract the most relevant information for

each of the agrarian political economy questions (Section 4.1–4.4). Manual coding was informed by a previous literature review conducted by the research team (Ahmed et al., 2017a) and the peer-reviewed literature mentioned in Section 2

4. Unravelling the role of chiefs in the political economy of large-scale land acquisitions

4.1. Different interests on customary land

In Ghana, over 80% of the land is owned customarily (Campion and Acheampong, 2014; Abubakari et al., 2016). Customary land ownership is seen as a means of social cohesion (Boamah, 2014a) and an important spiritual entity of which the dead, the living and the unborn have rights to ownership (Abubakari et al., 2016). The customary land system represents and “contains” a collection of different interests: allodial, usufructuary, share tenancy and lease.

Chiefs, and clan or family heads, act as trustees holding the allodial interests in customary land (Campion and Acheampong, 2014; Abubakari et al., 2016; Elhardary and Obeng-Odoom, 2012). This role exists in chiefdoms and is characterized by central political order whose hierarchy starts from the King down to paramount chief, divisional chiefs and even caretaker chiefs locally called ‘Odikro’ among the Akans (Yaro, 2012; Abubakari et al., 2016). It is therefore an overlay of hierarchical customary powers (both jurisdictional and control) over land.

Usufructuary interests relate to individual land ownership by members of a particular family or of the community. These are bestowed in perpetuity by virtue of membership to these groups, with such rights devolving through inheritance (Yaro, 2012). These types of interests are broadly classified as customary freehold, whereby individuals are allowed to use their land for personal benefits including for settlement and crop production (Yaro, 2012).

However, when it comes to customary land arrangements and the role of the chiefs there are significant cultural differences between geographical regions of Ghana. In the northern part of the country, allodial interests fall under the jurisdiction of the Earth priests (locally called *Tendamba*³) (Lund, 2008). The chief acts as a custodian of the land as described above, but with limited powers on how land is allocated (Yaro, 2012). In the southern part of the country chiefs have both jurisdictional power and control over land resources (Campion and Acheampong, 2014).

4.2. Predefined roles of chiefs in politics of land

The role that chiefs play within the land administration system can be broadly grouped into two categories; (a) as custodians of land, (b) as the interface between donors and investors. These roles are dictated through a series of customary rules, statutory laws and international circumstances.

Under customary and statutory laws, chiefs have been bestowed the mandate to be custodians of land by virtue of their position in the community and the Constitution of 1992 (Section 2). Chiefs essentially act as custodians of the land and are mandated by the locally prevailing customs and traditions to make decisions on behalf of their subjects (Section 2). This includes how land and resources can be used and managed, though, there are some significant cultural differences between northern and southern Ghana as noted previously (Anafo, 2015; Antwi-Agyei et al., 2015; Biitir and Nara, 2016). Chiefs are also seen as community mobilizers, settlers of disputes and keepers of law and order within local communities (Knierzinger, 2011; Ribot, 1996). These are all considered to be non-statutory functions codified in the Chieftaincy Act of 2008 and the 1992 Constitution, especially Article 272 for advising the government on matters regarding chieftaincy in Ghana [see Article 272 of the 1992 Constitution of the Republic of Ghana]. Also as custodians of land, chiefs, represent their subjects (Section 3.4) when receiving royalties and must be consulted before using/allocating any land under their jurisdictions [see Articles 36(8) and 267(10) of the

1992 Constitution].

Considering their status as custodians of land resources within the communities, chiefs often act as the interface between the community and investors/donors. This is increasingly necessitated from the pressure of neo-liberal policies that have opened up rural frontiers, and in a way require chiefs to engage directly with developers, investors and donors. For example, chiefs are often perceived (or required) to assume the role of ‘development brokers’ or ‘hunters of development projects’ (Knierzinger, 2011). As a result chiefs have often actively searched for investments in their local communities, and welcomed prospective partners/investors⁴. Domestically, chiefs have to negotiate with politicians and solicit development interventions for their communities, with the more powerful chiefs having access to more development projects (Knierzinger, 2011; Ribot, 1996). Being at the “interface” between donors/investors (i.e. both domestic and foreign) and targeted groups (i.e. local communities) increases the chiefs’ growing involvement in land politics. This became very apparent in Ghana through the recent opening of rural areas to entrepreneurs, investors and donors for large-scale land acquisitions during the biofuel boom of the last decade, which has had multiple impacts to vulnerable groups (Nyantakyi-Frimpong, 2017).

The above implies that chiefs often act as the gatekeepers of large-scale land acquisitions, helping foreign donors/investors and the state steer the institutional landscape of land tenure, which is not only complicated but also prone to social conflicts. This is a “grey zone” considering the current land administration system in Ghana (Section 2). However, at the same time chiefs can use their central position within the land acquisition regime and importance within local communities to “manipulate” land-acquisition processes, benefiting in ways that go beyond their mandates. Section 4.3–4.4 unpack some of these points using empirical evidence from five study sites that experienced jatropha-related large-scale land acquisitions (see Section 3.2 for more details).

4.3. Understanding the land acquisition processes

To properly understand how chiefs are engaged in large-scale land acquisition processes, it is first important to understand how the land acquisition processes unfold on their own right. Expert interviews suggest that although at the national level there were some formal procedures for registering land titles before the biofuel boom (Table 1), the land administration system was not ready to address the challenges of large-scale acquisitions (Personal Communication Lands Commission, 2015). In fact, both the pre-2012 scattered provisions and the 2012 Guidelines could not be relied upon particularly for dealing with incidents of illegal land allocation or land grabbing (Personal Communication, CICOL 2015).

Furthermore, due to the lack of harmonization of these provisions, the land administration system was weak as the different institutions responsible for implementing these mandates were not coordinated in practice (Personal Communication, CICOL 2015). German et al. (2013) offers a comprehensive review of these provisions for Ghana, their weaknesses and how investors took advantage of them to gain access to more land than what was originally stipulated in investment plans.

Below we move beyond the institutional analysis of German et al. (2013), to highlight how land was acquired in practice by investors in the five study sites. Depending on the site, an average of 7.3–15 ha was given by each household, with the previous land uses, affected groups and land ownership characteristics varying considerably between areas (Table 4).

Table 5 summarizes the acquisition processes in the five sites as outlined by the chiefs and members of local communities. We use the

³ First settlers of the land, who are now the landlords.

⁴ Some biofuel projects in Ghana even saw local chiefs as ‘development partners’ (Nyari, 2008).

Table 4
Characteristics of allocated land and affected groups the five study sites.

Issues	Kpachaa (N = 30)	Kadelso (N = 29)	Kobre (N = 31)	Ahinakom (N = 37)	Adidome (N = 39)
Original access to land	1	1	0	1	2
● Bought directly from previous owners	29	28	31	36	37
● Allocated by chief					
Affected groups and land ownership characteristics	8	7	7	5	2
● Land owners (perpetual rights)	2	2	7	7	10
● Native inhabitants (leases holders)	5	15	11	5	14
● Migrant famers (shared cropping)					
Number of respondents losing land during land acquisition process	15	24	25	17	26
Average land lost per household (ha)	10.5	15	5.5	7.3	8.5
Previous land use (%)	52.6	0.0	33.3	37.5	80
● Fallow	36.8	60	66.7	12.5	10
● Cultivated cropland	5.3	0.0	0.0	50.0	0
● Uncultivated agriculture land	5.3	40	0.0	0	10
● Woodland and forest					

Table 5
Perspectives regarding the land acquisition processes around five collapsed *Jatropha* projects.

Site	Perspectives about acquisition process	
	Chief	Local communities
Kpachaa (Northern Region)	The investor was first introduced to the divisional chief through a middleman. The divisional chief then introduced them to the paramount chief of the traditional area. Consultations with local communities were done and the compensation was given in cash to the paramount chief that allocated it proportionally to the divisional chiefs to pay the affected farmers and landowners. Land is registered in the company's name and the chief signed the lease.	The chief gave out the land without consulting widely members of the local community members regarding their willingness to give out land. There was only a small group meeting for key community elders. Most affected community members were not involved in this meeting and were only told to sign their names. Even though they were promised that they will receive their compensation later, most of them never received it
Kadelso (Northern Region)	The investor was introduced to the community through a local native. Land was given to the investor on a 50-year lease. Compensation for the affected community members was agreed in terms of offering employment to the plantation.	There was no consultation over the land allocation process, as the chief was very secretive about the actual size of the lease. The chief did not want to disclose the amount of compensation given to him by the investor, despite the fact that the investor informed the affected community members that their compensation was given to the chief.
Kobre (Brong-Ahafo Region)	Land was acquired from the local chief through the help of middlemen from Accra. There was no monetary compensation because of the employment prospects the <i>jatropha</i> plantation would have brought to the local community. As the land was not 'sold' only 'drink money' was received as required by local customs and traditions. The land is leased to the company for 50 years.	The investor surveyed potential areas for locating the plantation, and chose land close to the Volta Lake due to water availability for irrigation. Local community was informed about the investor's interest, and the importance of the deal for the development of the area. However, no details were provided about the amount of money the land was 'sold' for, while no compensation was given to community members. The investor allegedly gave the compensation to the chief.
Ahinakom (Brong-Ahafo Region)	Land was acquired from the paramount chief (and not the divisional chief ^b) through the help of a middleman. The divisional chief was only asked to sign documents of concurrence, while some community members were asked to sign documents without being offered detailed explanations. Compensation was never given to the divisional chief of the local community.	Community members were informed that the paramount chief allocated land to the company. However, the local communities and divisional chiefs were not involved in the consultation and negotiation, as all these discussions took place outside of the community. The investor claims that the compensation was paid to the paramount chief who promised to allocate it appropriately to those that were affected. The chief did not consult the local community about the land deal.
Adidome (Volta Region-New Bakpa community)	The investor was introduced to the community through a middleman. The investor received land and paid compensation to the wrong chief (Fieve community). The land is not registered in the investor's name at the Lands Commission, but the investor has a concurrence from the other chief.	Some community members received their compensation, but others not. There is an ongoing court injunction of the land, due to litigation between the two chiefs

a) This is a token in the form of either cash or some bottles of alcoholic beverages, customarily offered to chiefs at the start of land negotiation or lease.

b) In Ghana, each chiefdom is divided into paramount areas, which have divisional areas or units consisting of several communities. The hierarchy devolves down from the paramount to the divisional chiefs, with each having an overriding authority and power over the one below it (Abubakari et al., 2016).

2015 revised Guidelines for large-scale land acquisition to juxtapose the land acquisition processes that were followed in each site and what ought to have been the process (Lands Commission, 2015). Following the prescription of these guidelines the process is divided in two stages:

- Stage 1: Pre-registration and local hearing
- Stage 2: Certificate and registration:

- Submission of feasibility report to justify land requirement
- Environmental Impact Assessment (EIA)
- Recommendation to national Lands Commission if required land exceeds 400 ha

Considering the often diverging perceptions between the chiefs and

local communities indicated in Table 5, we identify five critical issues that can explain some of the problems that emerged during the land acquisition processes (and possibly contributed to the collapse of each investment).

The first is that in all cases investors used intermediaries (i.e. middlemen and chiefs) for gaining access to land. Whereas statutory requirements necessitate that such intermediary roles should be played by the Ghana Investment Promotion Centre (GIPC) (Table 1), in reality GIPC's failure to assist (or even guide) investors and monitor/evaluate FDIs (Personal Communication, CICOL 2015), possibly paved the way for the creation of a new political space for middlemen and chiefs. The circumnavigation of the GIPC by using middlemen and chiefs who do not have the right statutory capacity to negotiate land deals, suggests

Table 6
Different understanding of land acquisition processes within local communities.

Site	Issues		
	Land size	Consultation	Compensation
Kpachaa (Northern Region)	Varied figures ranging between 5000-10,000 ha as heard from different sources (e.g. investor, chief)	3 out of 30 respondents were consulted	5 out of 30 respondents claimed to have received compensation in cash
Kadelso (Northern Region)	Varied figures ranging between 500-1000 ha as heard from different sources (e.g. investor, chief)	No respondent reported having been consulted	8 out of 30 respondents claimed to have received compensation in cash
Kobre (Brong-Ahafo Region)	Varied figures ranging between 400-4000 ha	There was consultation but only with elders and not with affected farmers/landowners	7 out of 30 respondents claimed to have received compensation in cash
Ahinakom (Brong-Ahafo Region)	Varied figures ranging between 500 ha and 2000 hectares	Consultation was only done after land was allocated	No one out of 40 respondents reported to have received compensation in cash
Adidome (Volta Region)	Varied figures ranging between 1000-10,000 ha they heard from different sources	5 out of 40 respondents reported having been consulted by the chief who allocated the land. However, this was done in private.	Compensation was paid to the ‘wrong’ community

possible misrepresentation of the interests of local communities (and the national government as a whole for that matter) in land deals, and has been pointed elsewhere in the literature (e.g. German et al., 2013).

The second is the mismatch between what chiefs claim about the land acquisition procedure followed, and the perceptions/expectations of local communities. Whereas chiefs claimed that the land was not ‘sold’, in the eyes of the local people the land acquisition process constituted a ‘land sale’ as their land was often given without consultation, consent and compensation (Tables 5–6). For example, in Kobre, the chief claimed that the company did not pay compensation, but on the contrary the investor (Kimminic Corporation) informed the local community that compensation was paid to the local chiefs (Table 5). Such examples reflect a lack of transparency and accountability in the land acquisition process, which is perceived as an epic of injustice by locals⁵. This lack of accountability and transparency from the part of divisional chiefs can be further reinforced by the asymmetries of power between the divisional chiefs and the higher powers within the chieftom (i.e. the paramount chiefs). Ahinakom is a perfect example of how such power asymmetries between divisional and paramount chiefs manifested (Table 5).

The third is the lack of consensus among members of the local communities on key aspects of the land acquisition processes (Table 6). While Table 5 offers the dominant perspective between community members about each acquisition process as elicited through the surveys, Table 6 highlights some of the key points of divergence between community members in terms of size of allocated land, status of prior consultation and level of the compensation. Estimates of the exact size of allocated land vary substantially. According to respondents this reflects the lack of a unified source of information about the acquisition processes as they heard different things from different sources (e.g. chief, investor). For example, in Kpachaa, the land size reported by community members is similar to that reported by the chief, but the units of measurement are different. While the local community reported a maximum of 10,000 acres allocated, the chief reported 10,000 ha. Regarding consultation and compensations, our interviews with chiefs suggest a ‘selective’ consultation and compensation approach. Local communities also reported that relatively few people (and mostly from the rural middle class) were consulted and compensated. This is possibly due to their power to influence decisions within their respective communities, and has been also a feature of EIA consultation practices in biofuel projects in Ghana (see below).

The fourth relates to the lack of proper regulation over complicated aspects of the large acquisition process such as the land consolidation.

⁵ It is not surprising that the local communities in Kadelso, Kpachaa and Lolito eventually agitated contributing to the collapse of the respective jatropha projects (Ahmed et al., 2017b).

In particular, the small land sizes of individual farms (Table 4), combined with the requirement of investors for large continuous plots, creates precondition for complex consolidation processes (Abubakari et al., 2016). Often chiefs have to navigate such land consolidation processes without always having the capacity, information or institutional mandate, which creates a messy situation on the ground with many conflicts of interest between land rights holders (e.g. landowners, farmers) and the duty bearers (e.g. chiefs, state). Often chiefs exploit their central role in these processes for personal benefits. For example, in Kadelso, the chief justifies his actions by the renewed interest in rural development. Inequalities among chiefs, landowners and the elite are also manifested by the selective consultation and compensation mechanisms chief’s use, as highlighted in the case of Kpachaa and Kobre. Power asymmetries and unfair distributions of benefits are also manifested in chiefs’ refusal to disclose information, give compensation to the rightful persons and re-formalizations of yearly rent to one-off payment as in the case of Kpachaa. These challenges have created a new operating arena for customary land administration amidst weak legislation, which will then pave way for further proliferation of illicit activities of chiefs in jatropha based large-scale acquisitions if revived.

The fifth is that while EIAs were undertaken in each site as stipulated in legislation (Adanes Consult, 2011; Centre for Environment and Health Research and Training, 2010a; 2010b), most communities claim that they were never consulted properly (Tables 5–6). Even though the EIA process has a mandatory stage for local consultation (Table 1), this was either not done or the participants were only limited to chiefs and elders (e.g. Kobre, Tables 5–6). This reinforces the viewpoint that EIAs for jatropha investments in Ghana were simply done to comply with the law and not necessarily to address the diverse impacts experienced by local communities (Ahmed and Gasparatos, 2016; Ahmed et al., 2017b).

The above point to the unconstructive role that chiefs played during the land acquisition processes in the five sites. This reflects other studies in northern Ghana that have reported chiefs using their privileged positions as custodians of land, to coerce local people to give out land (Yaro and Tsikata, 2013). In particular, they indicate the lack of information, consent and trust that permeated the entire process, and how local communities were rarely heard even in explicitly participatory processes such as the EIAs. Instead local communities were represented predominantly by the chief (and in some cases few selected individuals) throughout the process. This reflects similar points that have been made by different scholars on “representation without participation” (e.g. Ribot, 1996). Section 4.4 uses key insights derived from Table 5 to delve deeper on the role of chiefs in the different land acquisition processes.

4.4. Roles⁶ of chiefs in *Jatropha* land deals

4.4.1. Chiefs as land sellers and negotiators

From the historical political economy perspective during the colonial period (by 1897) land could be sold in Ghana without any sort of conditions for the buyer, provided that the customary ceremony was performed (Hill, 1961). This was the origin of what Marx and Engels (1979) called money aristocracy and money market on land.

The strong involvement of chiefs in the land market started with the indirect rule system that the British used to rule their colonies through the local chiefs (Obeng-Odoom, 2015b). The indirect rule conferred some powers on chiefs that did not previously exist, including the power to sell and negotiate land deals (Howard, 1978). In a way, the seeds of the chiefs' involvement in land sales and negotiations were sown upon the introduction of direct rule. When the British realized that chiefs were becoming more powerful, they shifted towards direct land rule by introducing leasing (Lentz, 2011). Today, in the laws, outright land sales or freehold land transactions are not allowed even for native Ghanaians unless through a lease.

However, our case studies suggest that a major weakness of land acquisition processes has been the fact that the chiefs hid behind the customary clause that land is not sold. In reality, however, what happened (and was perceived by the local communities) are closer to outright land sales. For example, in Kadelso, the new chief noted that:

“After I took over as chief, the elders told me that the land was not sold by the late chief but we could not get any documentation on it. The elders said the chief only leased the land and took some Kolanuts⁷” (Interview, Chief of Kadelso, 2015).

The ‘*drink money*’ taken is far more than what is expected of chiefs, albeit in the eyes of ordinary people, they are actually selling the land (Personal Communication, CICOL 2015). This is true in the cases of Kpachaa and Kadelso where the chiefs claim they took only ‘*drink money*’ but interviews with local people indicate the contrary (Table 5). One respondent noted:

“What we hear from the company is that the chief sold the land because he took money and one-third of the first year’s harvest as ‘*drink money*’” (key informant interview, Kadelso, 2015).

Whereas it is customary for chiefs to represent their people in land deals (see Table 1), chiefs seem to rather assume the position of owners and give out land without the consultation of the people who have the perpetual right to it (Table 5). The current system of representation in Ghana charts a discursive framework for promoting large-scale land acquisition, as the very people who represent the affected persons have a vested interest in seeing the land deal moving forward. We believe that if there was stronger participation of local communities, or at least the representation of the chiefs had reflected the diverse interests in the community, then the land negotiation could have led to a more transparent outcome.

It should be noted that whereas chiefs claim that land is not sold, several studies have shown that several chiefs have signed land deals without knowing the content of the arrangement (Boamah, 2014a; Campion and Acheampong, 2014). In most cases, the content of the agreement legally shows that the land given by a chief is actually sold and not leased (Nyari, 2008).

4.4.2. Chiefs as receivers of compensation

The fundamental concern here is who is the rightful recipient of compensation for land given to external investors (Kidido et al., 2015).

⁶ Whereas some of the roles discussed in this section are similar (or the same) to the non-statutory functions of chiefs described in Section 2, we focus in this section on the re-mobilised powers that chiefs have exploited for illicit activities.

⁷ The kola-nut is part of the general idea of taking ‘*drink money*’

Is it the chiefs, chiefdoms, individual landowners or the state on behalf of its citizens?

Our study shows that huge compensations were paid to the chiefs in all the five study sites, which they often consider as ‘*drink money*’. However, in all five sites only a few community members that lost land or farms received any compensation (Table 5–6). Even those that were compensated received compensation either in the form of employment in the *jatropha* plantations or cash equivalents lower than the value of land under current market prices. However, the cases of Adidome and Kpachaa stand out regarding the implications for compensation that can arise if the rightful owner is not readily identified.

In Adidome it was not clear which of the divisional chiefs (from New Bakpa or Fieve communities) should receive the compensation, as there were multiple claims from different stakeholders (see Table 5). Similarly, there were different claims between chiefs (custodians of land) and local communities (people with usufruct interests, tenants, farmers, and share-croppers) about who should have received the compensation. In Kpachaa the chief used the many ongoing land boundary conflicts between families to justify what seems to be a partial own-appropriation of compensation (see Table 5). Apparently the chief took the compensation on their behalf and claimed that the compensation would be allocated to the rightful recipients after he resolves the disputes. At the time of our fieldwork, it was not clear whether these conflicts were being dealt with, or what was the time horizon for this compensation to reach the rightful recipients.

In the cases discussed above chiefs by virtue of their position capitalize on the lack of clarity of who is the rightful recipient of compensation to appropriate benefits that were supposed to be given to their subjects. We believe that in the absence of any legislative direction about who the rightful recipients of compensation should be, chiefs will continue to assume this role.

Finally, it is worth mentioning, that except for instances where compensation is recommended through an EIA [though not always gender sensitive (Tsikata and Yaro, 2014)], all compensations paid in Ghana for large-scale land acquisition are discretionary (German et al., 2013). Such projects have often failed to take into account gender-differentiated impacts and implement gender-sensitive compensation mechanisms (Tsikata and Yaro, 2014). The decision is in a way left between the investor and the affected communities. Chiefs often use their position to sideline the local communities from evoking their customary rights to demand rightful compensations. To make matters worse while chiefs are expected to use the compensation money for community development, often they just use it for their personal benefits (Boamah, 2014a; Mireku et al., 2016).

4.4.3. Chief as expropriators

Following Marxist theory, expropriation happens in the context of the current study when chiefs and chiefdoms consolidate private land (whether of individuals or families) for an investor in the name of the interest of the community. This is a similar process to what Marxist geographers like Harvey (2003) would have called accumulation by dispossession.

In our study sites we observed that more than 70% of responders were “forced” by chiefs to give out their land following inappropriate consolidation processes (see Tables 4–5). For example, in Kpachaa in northern Ghana where land is owned individually, the chief consolidated private lands without the necessary consultations (Personal Interviews, Oxfam Ghana 2015). In Ahinakom in southern Ghana such, the paramount chief, consolidated land forcefully from the divisional chief and the subjects without consulting the division chief (Personal Interviews with key informant at Ahinakom, 2015). The divisional chief of Ahinakom noted that:

“I was only informed by the paramount chief to tell my people that the land has been given out to a company for *Jatropha* business and the project will bring development to the people. I was not informed

about any compensation to be paid to my people. It was an order from top” (Interview with the Chief of Ahinakom, 2015).

There are many similar cases in Ghana that these forms of expropriations took place, yet no formal compensation mechanisms were put in place (German et al., 2013; Yaro and Tsikata, 2013). Lease agreements commonly foresee an annual rent on the land given to the investor that has to be allocated annually to those affected (Personal Communication, CICOL 2015). However, because of the expropriation mind-set of some chiefs, such clauses are re-formalized to be collected as one-off payments instead (German et al., 2013). For example, the chief of Kpachaa indicated that the initial agreement with the company stipulated annual rents, but upon second thoughts he required a one-off payment because he did not trust the investors.

Chiefs as sources and arbitrators of conflicts

Customarily, chiefs are mandated to solve disputes, including those related to land (Knierzinger, 2011). However, during the surge in large-scale acquisition several land-related conflicts emerged partly driven by the illicit activities of some chiefs (Campion and Acheampong, 2014). These often caused land dispossession, loss of livelihoods, community agitation, disputes over the non-payment of compensation and conflicts between the rightful recipients of compensation (Ahmed et al., 2017c). In a way this has led to the situation where chiefs cause the very same disputes they arbitrate (Campion and Acheampong, 2014). Worth noting is that for any case brought to the chief, he is given a token in the form of cash or drink (Campion and Acheampong, 2014). This results in the paradoxical situation that the more conflicts a chief has to arbitrate (often caused by him), the more he can enrich himself.

For example, in Ahinakom, Kobre, and Kpachaa, it was reported that the chiefs were given one-off payments for compensation to be allocated to the affected community members (Table 5). However, the chiefs failed to distribute and allocate the compensation to the rightful recipients, which catalysed several conflicts between those affected and the company (Ahmed et al., 2017c). Arbitration did not lead to the proper resolution of these conflicts, as the chiefs were the very source of these very problems (Personal Interview, Kadelso).

5. Understanding the chiefs’ motivations: divergent viewpoints

Section 4.4 highlighted the various roles of chiefs in the context of large-scale land acquisitions in Ghana (see summarised in Table 7). It is important to unravel the motivations behind these roles if we are to understand better the true effect of chiefs in large-scale land acquisitions processes during the biofuel boom in Ghana. However, there are divergent opinions between chiefs, local communities, and some national experts about the actual motivations.

Interviews with chiefs suggest that their key motivation was to promote rural development and bring the benefits of FDIs to their

Table 7
Roles of chiefs in the study sites.

Roles of chiefs	Kpachaa (Biofuel Africa)	Kadelso (Jatropha Africa)	Kobre (Kimminic Ltd)	Ahinakom (Savannah Black Ltd)	Adidome (Galten Agro Ltd)
Land owners	✓	✓	X	X	X
Land sellers	✓	✓	✓	✓	X
Negotiators	✓	✓	✓	✓	X
Expropriators	✓	✓	✓	✓	X
Receivers of compensation	✓	✓	✓	✓	✓
Conflict causers	✓	✓	✓	✓	X
Conflict arbitrators	✓	✓	✓	X	✓

Note: ✓ = observed: X = not observed.

people. For example, the chief of Kpachaa noted:

“I gave out the land by signing the documents because my discussion with the investors shows that the project will bring development to my area and that was my main goal. Actually after the first 2–3 years of operation, the company employed about 300–400 youth of the area” (Interview with the Chief of Kpachaa, 2015).

This motivation is in line with one of the main drivers of biofuel development in SSA, considering that many national governments promoted jatropha as a pro-poor rural development strategy (Gasparatos et al., 2015). It is therefore not out of place for chiefs and governments to think alike in terms of using FDIs as a tool to bring economic development in poor rural areas that have close to zero formal employment opportunities. This motivation generally reflects the post-colonial statutory function of chiefs as development brokers who are responsible for hunting development opportunities, both through domestic and international partners (Knierzinger, 2011).

This evolution of chiefs’ roles towards becoming ‘development brokers’ makes them major players in the rural political economy of Ghana. Some chiefs are motivated by the fact that their subjects evaluate them in terms of the number of development projects they are able to bring to the community and not solely in terms of the performance of their customary functions (Personal Interview with Chief of Kadelso, 2015). This therefore gives chiefs an extra burden to search for development projects and secure them at all costs.

Contrary to the above, local community members and national experts often perceive that chiefs were largely motivated by greed. Experts saw chiefs’ involvement as a way of enriching themselves at the expense of their subjects. In their perspective, chieftaincy in Ghana has become a source of economic power with chiefs often being driven by a greedy desire to reap economic benefits for themselves, instead of protecting the customs and traditions of the land (Personal Communication with Oxfam Ghana, 2015). For example, the re-formalization of land rent from yearly payments to a one-off payment, combined with the refusal to pay compensations is arguably manifestation of greed (Section 4.4.3). Household surveys suggest that local communities perceive some of the chiefs’ actions as a breach of trust.

We should note that whereas own benefit might not have been the chiefs’ original intention as they themselves stated, the prospects presented by the weaknesses of the land administration system could have lured them to fall victims to this social canker (Ahmed et al., 2017b, 2017c). Still some of their actions have implicitly and explicitly shown their alignment with investors, and have reflected them as a local elite often prioritising their interests over those of the affected people (see Table 5). This in itself is contrary to the development and revitalization of the agrarian system of Ghana which was the later aim behind the strong promotion of biofuels FDIs from the government of Ghana.

6. Chiefs and jatropha collapse: contribution to project collapse and post-collapse roles

In Marxist political economy, contestation between different actors can hinder the full development of capitalism in agrarian contexts (Borras et al., 2010; Obeng-Odoom, 2015a). This is particularly true in our study sites, as the conflicts between investors, workers, chiefs and the broader local communities affected the viability of the different projects. In the political economy discourse such forms of conflicts are seen as the politics of resistance (Borras et al., 2010).

For example, in Adidome, land litigation between two competing chiefs as to who owns the land (and is thus the rightful person to be compensated⁸) contributed to the collapse of Galton Agro Ltd. Similarly, in Kpachaa the chief refused to share the compensation, which

⁸ This is part of the larger question of who is the rightful recipient of compensation as discussed in Section 4.4.2.

aggravated youth that threatened to stop the project (Ahmed et al., 2017c). There are several more examples in Ghana that show how the absence of regulators (e.g. intermediaries, observers, and even formal promoters) has provided a space for the iniquitous and exploitative conducts by chiefs (Schoneveld and German, 2013; German et al., 2013). Several jatropha investments have suffered from lack of transparency, accountability, and trust, as the chiefs often refused to disclose contract terms for fear that others will ask for a share of the benefits (see Table 5). This self-interest has created a new political space where chiefs use their powers to their own advantage, and has possibly taken a toll on the viability of biofuel project in Ghana (Ahmed et al., 2017a,c). This reflects another study where reportedly the unconstructive involvement of chiefs led to the collapse of projects in Dapile in Northern Region of Ghana (Yaro and Tsikata, 2013). This reflects similar cases in Western Africa where community participation in resource management is often characterised by a lack of representation of the actually victims within communities (Ribot, 1996), and raises again the question about the effectiveness of some chiefs as good custodians of land in Ghana and caretakers of community interests.

Some studies have indicated that the lack of participation during project planning might have led inadvertently to the collapse of some Jatropha projects in Ghana (Ahmed and Gasparatos, 2016; Ahmed et al., 2017a). There has call for the greater involvement of local communities in project planning, including efforts to co-produce knowledge and co-design projects as part of enhancing community awareness and participation (Vermeulen and Cotula, 2010; Hashim, 2014). However, considering that some chiefs acted as sources of conflicts, land sellers and expropriators (Section 4.4, Table 7), it is likely that they will pose a significant barrier for project sustainability by limiting the opportunities for co-producing knowledge and co-designing projects. This again raises the issues of representation without proper participation, which has been a major theme in all study sites. In such contexts, representative participation with different power asymmetries and enfranchisement through rural democratization could catalyse more equitable management of resources (Ribot, 1996).

Following the collapse of almost every jatropha investment in Ghana (Ahmed et al., 2017a), there are many outstanding issues in the abandoned jatropha landscapes. The first relates to the land rights with divergent opinion between the companies, chiefs and landowners. Some Civic Society Organisations such as Action Aid Ghana are pushing for the land rights to be transferred back to the local communities (politics of repossession). On the other hand, state agencies such as the Lands Commission are still doubtful given that in some cases land rights issues are still unclear between companies and local communities. However, all these setbacks could have been resolved if biofuel companies had been required to put in place appropriate exit strategies to specify how land rights will be transferred (and communities will cope with unmet expectations) in cases of investment failure. The politics of land repossession in the post-biofuel bust is therefore a major issue with chiefs reluctant to initiate processes to transfer land rights back to those dispossessed of their lands. Actually this situation is uncharted territory in the academic literature, with practically no studies to our best knowledge.

The second issue relates to the failed promises and the under-performance of the jatropha investments. Studies in Ghana suggest that due to landscape conversion, communities lost access to ecosystem services that have been important for their livelihood, possibly reinforcing poverty among those households that relied significantly on these ecosystem services (Ahmed et al., 2017b). In many cases elsewhere in Africa, jatropha projects rather reinforced pre-existing poverty contrary to community expectations of improving livelihoods (Neimark, 2016). The plethora of expectation sharply contradicts the rhetorical nature hitherto the widespread collapse and the widening of social gaps and adding socioeconomic shocks (Hunsberger et al., 2017).

Finally, it is worth pointing that many of the collapsed companies have already invested large sums of capital to acquire land and

equipment. To take advantage of these initial capital investments, some investors reposition themselves (herein referred as re-branding) to shift from jatropha production to the production of other more lucrative crops as witnessed in Kadelso and Lolito. However, shifting the focus of agricultural investments is another “grey area” has some implications. For example, it is not clear under which conditions this is allowed.

7. Addressing the role of chiefs in land acquisition processes

A major assumption in large-scale land acquisitions in Ghana is the claim that the land allocated to investors by chiefs is not actually sold (Section 4.3) (below we refer to this as an outright land sale). However, local communities often contest this view when considering the re-formalization of yearly rents to one-off payments (Section 4.4.3), limited consultations (Section 4.3), and the refusal of chiefs to distribute the compensation to the affected community members (Section 4.4.1).

It has been reported that the policy of outright land sale had resulted in over 140 cases of chief deposition between 1904 and the 1950s in Ghana (Li, 1995). Obeng-Odoom, (2015b) noted that outright land sale constitutes an abuse of human rights. However, our observations from the study sites suggest that chiefs still hide behind the lease concept to engage in activities that are similar, if not the same, as outright land sale (Section 3). This begs the question as to what can be done to improve the land administration system in Ghana, when it comes to chief involvement.

What is observed in Ghana is similar to what Peters (2013) has described as a shift from the concept of customary tenure to the concept of property encountered in colonial Africa. While many critical political economy studies have blamed the land acquisition processes (e.g. Vermeulen and Cotula, 2010; Borrás et al., 2010; White et al., 2012; Peter, 2013; Obeng-Odoom, 2014; Obeng-Odoom, 2015a; Obeng-Odoom, 2015b), it is often the chiefs that facilitate this shift from customary land to “private property” through their cultural and political powers. As discussed in Section 4.4 chiefs act in many guises as custodians, trustees, gatekeepers, safeguards or community representatives and have created pre-conditions for the inequitable development of rural frontiers. For this reason, we question the idea that transparency and accountability in the current land administration system can be improved solely by giving the chiefs a leeway for outright sales of land as it was in the 1870s (Obeng-Odoom, 2014).

From our study we infer that addressing issues of “representation without participation” requires a balance of power between local communities, chiefs and investors. Whereas Ribot (1996) and Berry (2004) called for wider rural democratization, the dual legal pluralism in Ghana could make this problematic if it is not initiated from the bottom-up. Also, further introducing market approaches into the customary land sector could lead to contradictory results (Obeng-Odoom, 2015b). It has been argued that under prevailing circumstances courts can be important in holding chiefs accountable for their involvement in land deals, as the current popular protests, international guidelines and national laws are often inadequate (Obeng-Odoom et al., 2017). However, despite offering the opportunity to seek justice to the communities affected by large-scale land acquisitions, the capacity and resources of the plaintiffs (i.e. affected local communities) might not be adequate resort to courts (Obeng-Odoom et al., 2017).

We argue that bottom-up gradual formalization of land administration would be necessary, especially through the establishment and adoption of local community land engagement protocols, which spell out how the community will relate, decide, negotiate and participate in potential land investments with the external investors. In some rural areas, community protocols for community engagement with external interest groups have been recently promoted for streamlining benefit-sharing and compensation (Parks, 2018). We believe formalizing such protocols could bring checks and balances among different interest groups within the community, especially between chiefs and landowners as each. As most of the pre-processing stages such as negotiation

with chiefs and the benefit-sharing mechanisms, are not formalized in the statutory land registration system, we believe that their further formalization could help normalise the powers of chiefs and address class differences. This would go a long way towards avoiding the problems that became obvious during the jatropha boom in Ghana.

8. Gaps and research recommendations

Our study started with the assumption that in order to understand the changing roles of chiefs in the land administration system of Ghana (and the implications of these changes), it is important to gain a good comparative understanding of local realities. For this reason, we adopted a “locally-minded” framework that builds on five key questions derived from agrarian political economy (Section 3.1). Despite its strengths in conceptualizing the issue, we do acknowledge that unpacking a complex issue such as land tenure by breaking it down to a series of simple question has some limitations.

To improve the explanatory power of “locally-minded” studies as the current one, we suggest integrating findings with more critical Marxist-Georgist frameworks that investigate these questions more from the national and international level (see for example Table 1 in Obeng-Odoom, 2015b). This can offer a truly rounded understanding of the complications and implications of large-scale land acquisitions. Some of the relevant insights we derive from our research that could inform such studies is (a) the lack of empirical evidence that jatropha projects resulted in shifts in class position in the study sites (Obeng-Odoom, 2015b), and (b) the fact that the land investments studied in this paper were highly speculative (both for investors and chiefs) and targeted supposedly marginal land (Ahmed et al., 2017b), which has indeed several other uses in the Georgist sense of the term (e.g. Obeng-Odoom, 2015b).

The collapse of the jatropha sector has made painfully obvious several issues that pertain to the land administration system and the roles of chiefs. Some of the most important as discussed in Sections 6 and 7 relate to (a) land repossession, (b) rebranding of collapsed investments; (c) ecological restoration; and (d) use of courts to hold chiefs accountable and offer justice affected local communities. These are important research gaps that need to be understood and especially whether and how to steer land repossession processes, demands for new community negotiations in the face of rebranding and pay for ecological restoration. All these will entail one way or another the involvement of chiefs. However, it still remains a big knowledge gap how this can be done in a way that avoids the mistakes and problems of the past.

9. Conclusion

The present study has aimed to unravel what was the role of chiefs in recent land acquisition processes for jatropha in Ghana, and what was the effect both for the local communities and the investment themselves. We used five key questions derived from agrarian political economy, and collected substantial empirical evidence through expert interviews and household surveys in local communities around five collapsed jatropha projects

Interviews with chiefs, local communities and national experts suggest that chiefs often go beyond their traditional role as custodians of land to behave as land sellers, expropriators, negotiators, receivers of compensation, and conflict arbitrators. While colonial, imperial, and neoliberal forces have shaped the roles that chiefs currently play in land deals, the fact remains that their actions can have profound effects to their local communities. While chiefs are supposed to act as land custodians and safeguard the interests of their communities, they usually end up acting as gatekeepers for large investors. Actually chiefs have emerged as major actors in efforts that promote neoliberal agendas in the rural frontiers of Ghana.

While chiefs tend to justify their actions in terms of their concern about better development opportunities for their communities (largely

through the creation of jobs and income opportunities), they have often engaged in illicit activities with middlemen and investors. There are several instances of chiefs using their cultural and political powers to keep land compensations and formalize land deals through one-off payments. However, sometimes the local communities have opposed chiefs that supported dubious land deals and engaged in such illicit activities.

These situations have largely emerged because of the weak land administration system in Ghana, of which chiefs take undue advantage to bypass both customary and statutory land laws. Understanding the true role of chiefs (as well as their motivations) can have important policy ramifications. This is particularly important following the collapse of the jatropha sector, as chiefs were often involved in an unconstructive manner and in some cases their actions catalysed the collapse of jatropha investments. The local insights collected from our study could be integrated in studies that critically look how these outcomes play at the national and international level, which remain a significant gap in the literature.

Finally, through our analysis we conclude there is a need to move away from the current state of land transaction in Ghana that mimics outright land sales. We rather see that chiefs have tended to join forces with foreign investors in what resembles a new ‘land elite’. While the recent adoption of guidelines for large-scale land acquisitions promoted by the government of Ghana is a good start, further formalization of processes is necessary. These include explicit directives for the negotiation, compensation (including defining who should be the rightful recipients of compensation) and evaluation of large-scale land acquisitions. All these currently fall outside the formalised guidelines but are necessary for providing appropriate frameworks to further guide the actions of chiefs during land acquisition processes.

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