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Commodification of family lands and the changing dynamics of access in Ghana

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ABSTRACT

The new scramble for land in Africa has revived debates on customary land tenure – a phenomenon that has become almost synonymous with the role of traditional chiefs in land politics. At the same time, investors continue to seek opportunities in complex customary land tenure systems, which may not necessarily be within the absolute domains of chiefs. This paper examines the politics of compensation and rent distribution following the process of a large-scale expropriation of family lands for an oil palm plantation in Ghana's eastern corridor. It demonstrates how and why the sudden commodification of land and the accompanying individualisation of land holdings alter the power structure and entitlements within families, often concentrating authority in the hands of a few elderly male kin and exacerbating inequality. The resulting changes could be attributed to the state's role in land and investment policies. However, family heads also used the ensuing process of compensation and rent distribution to increase their influence and income at the expense of some smallholder farmers, sharecroppers, migrants, women and the youth. Even as the state continues to promote such farmland investments, civil society and researchers can influence public policies to protect marginalised groups.

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Introduction

The global land rush has revived debates on customary land tenure in Africa. Within the customary setting, different landholding structures co-exist, overlap and sometimes compete. These include, among others, land controlled by chiefs, family heads, earth priests and individuals. In a country where chieftaincy is commonly projected above all traditional institutions, 'customary' is frequently defined as 'occurring at the juncture when chiefs begin to allocate land to external investors, and plots are demarcated, rather than at the juncture where user rights in land prevail' (Amanor 2008, 77). In many rural agrarian societies, user rights for indigenes or natives are set within the domains of family inheritance systems. In contrast, for settlers and migrants, user rights are greatly influenced by the farming and labour practices that dictate land use. In Ghana, the matrilineal and patrilineal systems of inheritance provide different sets of land-use rights and entitlements to different groups of

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kin, such as control rights and rules regarding the types of crops that can be cultivated. In the event of a transfer of large tracts of family lands to corporate investors, what happens to people who may not necessarily have control and ownership rights, but who do have user entitlements?

In this paper, I analyse how and why powerful actors within family institutions influence how certain groups are granted access to or excluded from rents and compensations in the aftermath of land grabs. I focus on the contestations over lands that lie outside the absolute domain of chiefs and how they are governed by fluid and intricate bundle of rights embedded in social relations and farming practices.

This study examines resource access politics around the acquisition of 3715 ha of family lands by SG-Sustainable Oils Ghana (SG-SOG) for an oil palm plantation in Ghana's Volta (Oti) region. In 2018 and 2019, I conducted fieldwork with affected families of the Brewaniase, Fankyenekor, Abuburuwa and Dodo Tamale communities. I gathered data qualitatively through key informant interviews, unstructured and semi-structured conversations, and life history narratives. I also analysed several documents, including Ghana's land policies and land lease documents, and data on families' land holdings and rent allocation. Using some tenets of ethnography, I also made observations of everyday informal relations with the people during my period of stay. I conducted interviews with all 15 representatives of the affected families, 32 family members and 12 dispossessed sharecroppers. I also conducted five family focus group discussions involving a total of about 30 participants, including women and youth. Additionally, I held meetings with chiefs and some traditional authority figures.

Customary tenure, legal pluralism and the powers of exclusion

It is widely recognised that African customary land tenure systems are characterised by continual negotiation over access, control and user rights (Peters 2013; Yaro 2012). Political, economic and territorial transformations from pre-colonial to present times have influenced Africans to rely on a multiplicity of norms to govern land (Berry 2017). For instance, following the introduction of commercial and export crops including cocoa and oil palm under British colonial rule, indigenous farming communities in southern Ghana began to institute sharecropping arrangements as a way to mobilise land and labour for cocoa (Hill 1969). In particular, among the Akans, the matrilineal system evolved as a way to exclude northern migrant sharecroppers from land ownership even as they became central to the production of such export crops (Yaro, Teye, and Torvikey 2018). Additionally, 'the trajectory of politics since independence has also conferred its own peculiarities upon the relationship between the state and traditional authority' (Nugent 1996, 204). Therefore, customary tenure should not be detached from and opposed to formal systems; rather, they should be examined as simultaneously overlapping and competing institutional spheres that produce differentiated relations to land (Griffiths 1986). Furthermore, these land tenure systems have become sites of changing institutions and norms. In northern Ghana, earth priests are generally prominent in land matters, while chiefs and queen mothers control stool and family¹ lands in the south. In southern Ghana, there is also a general distinction between the majority Akan group, who practice matrilineal inheritance, and others including the Ewes, Ga, Dangme and the Krobo ethnic groups, who incline towards the patrilineal practice. Yet even among these ethnic

groups, the application of these land tenure institutions has fluid interpretations. Thus, the concept of legal pluralism provides a useful way to characterise the co-existence of multiple legal and normative frameworks, ie more than one source of law and more than one legal order govern land use and ownership (Ubink and Amanor 2008). This concept guides the analysis of how production relations within farming systems such as shifting cultivation, land rotation, crop and shifting rotation, sharecropping, and pastoralism are intrinsically linked to land tenure, especially in shaping and legitimating different land use and access rights. So are the existing family norms of patrilineal and matrilineal inheritance, which also guide land inheritance and access in Ghana. In other words, the existence of multiple land tenure norms which can apply to one situation allows investors and customary authorities to perform institution shopping to facilitate large land transfers without problems of legitimisation (Wartmann, Haller, and Backhaus 2016).

Meanwhile, with the advent of land grabs, we see that both investors and customary authorities continue to navigate these pluralistic institutional norms for their own benefit. In effect, land laws and 'customary norms' are being reworked to facilitate large-scale land transactions to the detriment of marginalised social groups, rather than serving as instruments to check and control such deals.

The study adopts Borras and Franco's (2012, 1725) conceptualisation of land grabs – used interchangeably with land deals – as 'the capturing of control of relatively vast tracts of land and other natural resources through a variety of mechanisms and forms, carried out through extra-economic coercion that involves large-scale capital, which often shifts resource use orientation into extraction, for international and domestic purposes', and which transforms the means of production and reproduction for different groups of people. Subsequently, the perspective of Hall, Hirsch, and Li (2013) regarding land control and access through the concept of 'powers of exclusion' provides a useful analytical framework with which to examine the powers that determine 'who gets what' in land transfers, and the contentions that arise in the bid to maintain and challenge the powers involved – that is, how access (the ability to benefit from resources) is maintained by the exclusion or prevention of others, and how people lose their existing access (Ribot and Peluso 2003). In the process of land grabs, investors wield power over locals through force, coercion and 'consent', often changing the social relations of production and land access. Also, at the grassroots level, different groups and actors can use various forms of power to assert the right to exclude others from land, rents, compensation, food and water, but at the same time can be legitimated by the pluralistic laws and norms that structure societies. In this paper, I focus on the relative powers that shape access to land and the accompanying material benefits in the aftermath of land deals.

Customary tenure among the Ntrubos: families, chieftaincy and farming

The Ntrubos² are among the few ethnic groups of Ghana's mid-eastern belt whose socio-political and cultural formations were reshaped under both the German and British Togoland colonial administrations (Mbowura 2012). As noted by Ntewusu (2016, 2), 'idol worship was considered one of the stumbling blocks to trade, especially in Kete Krachi, which was the centre of Germans' rule'. Some clan members trace their lineage to a priest of the historically famous Dente Deity in Krachi, who was executed by the Germans (Maier 1983). Other tales from the indigenes also point to the first settlers being hunters and traditionalists, who

became earth priests over shrines around which settlements grew and agglomerated. Over time, the earth priests' authority extended beyond the spiritual domain to control land resources. (Ntrubo means to 'take the lead'.) Thus, they trace their settlement to tales of migration from North-Eastern Nigeria to Togo, particularly Atakpamé. Being first-comers, their autochthony claims relegate other ethnicities, including people from the Akebu, Basari, Kotokoli, Konkomba, Ewe, Akan, Ga and the Ga-Dangme ethnicities, to settler and migrant groups.

As used in this paper, 'family lands' refers to customary lands under the custody of family heads. Among the Ntrubo ethnic group, even though the paramount chief remains the overlord of all the communities under his jurisdiction (see Figure 1), family heads control land. Unlike the Akans in southern Ghana, the authority of the Ntrubo paramount³ chief is not derived from control over land resources. This is also contrary to other West African contexts, including some areas in Sierra Leone, where paramount chiefs remain the custodians of family lands within their chiefdoms (Ryan 2018). Among the Ntrubo clan, the paramount chief and his sub-chiefs symbolise authority and are responsible for cultural and social cohesion within the paramountcy,⁴ but land allocation and distribution are managed and controlled within the family system. During fieldwork, a commonly expressed assertion was that 'if the chief has any land, it is because he belongs to a family'. Nonetheless, the chieftaincy plays a principal role in resolving land conflicts at the local level.

Under their patrilineal inheritance system, land use and control rights are passed along one's father's lineage (see Figure 1). The extent of agricultural activity also determines entitlements within families. Farms can become the basis of more definite land fragmentation – a system that favours men and older sons over women and daughters. Access and control over land are widely differentiated. Sometimes lineal entitlement depends on household generational composition: particularly the gender dynamics, and the number of children and wives of the male family head. Within some extended families, there are portions of land

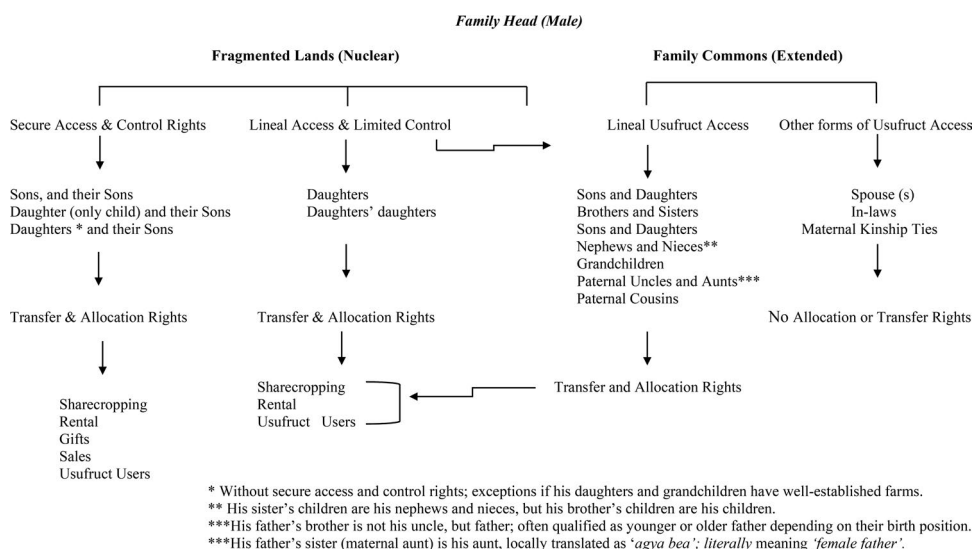


Figure 1. The patrilineal system of land access among the Ntrubos.
Source: Author's construct, 2020.

reserved as 'family commons' or '*abusua asase*', which are unfragmented and protected in the name of a common ancestor. In such cases, family members, including women, may have usufruct rights to this land for seasonal food crop farming and hunting, and they can allocate portions to sharecroppers to cultivate food crops. Usually, families preserve 'family commons' for future generations. In polygamous families, and concerning lands with property crops (eg cocoa), family heads may subdivide land among inheritors. Having property crops on 'family commons' often breeds conflicts over revenue distribution. Gyasi (1994) reports instances whereby farmers fell oil palm trees on family commons rather than go through the trouble of sharing the yields or revenue. However, it is also possible to have multiple entitlement claims or generally accepted co-ownership, even if a household head has a priority claim, as reported in Niger by Turner and Moumouni (2019).

Families can make portions of their lands accessible to 'non-indigenes' through marriage, gifts, sales, sharecropping and land rental. Like ownership from an inheritance, land acquired by non-indigenes through gifts and sales are usually customary freehold, and they rarely become leasehold unless formally registered. Among the non-indigenes, settlers are explicitly distinguished from migrants. Early-comer ethnic groups, including the Ewes, Bassari and Kotokoli who have large populations, are considered settlers, not migrants. The Ntrubo paramountcy even allows these groups to have their own local chiefs, to symbolise their recognition. They can access and own land through labour, gifts and sales. In contrast, the Zamlama, Fulani pastoralists, Akebu and the Konkomba people are considered migrants or 'foreigners' (locally termed '*ahohoo*'), irrespective of the years spent on Ntrubo soil; they do not have officially recognised chiefs and their access to land is primarily through tenancy.

Historically, the concept of labour in these communities transcended a purely economic function to one that was embedded in a moral economy of subsistence, locally termed '*dodi*'. Thus, in the past, sharecropping arrangements for food crop cultivation were not strictly defined but based on a premise of allowing migrants or foreigners to access land to produce enough food for their families and to share some of the surpluses with their hosts. In recent times, such '*dodi*' arrangements are more familiar with sharecroppers who are family relatives, especially through marriage, or with those who are also residential tenants on their landlords' land. Native landowners may also spare aged sharecroppers and women who farm tiny plots for food from share arrangements. Nonetheless, in an era of high population growth, scarcity of suitable lands and an increasing cash economy, the culture of '*dodi*' is seriously threatened. Despite this, sharecropping arrangements for food crops are still relatively flexible, depending on the existing tenant–landowner relations and the crops' market value. As expected, the sharecropping of cash crops is always contractual. Depending on the household educational and population dynamics, wage labour is also very prominent for farm activities such as weed slashing, making of mounds,⁵ land preparation and rice harvesting.

The making of the SG-SOG oil palm land deal

Throughout Africa, there has been a systematic effort to justify large-scale land acquisitions as a way of filling finance and technology gaps, enhancing productivity and utilising idle lands, promoting food security and creating jobs for youth, among many other reasons (Moyo, Yeros, and Jha 2012). However, the livelihood outcomes of many of these land investments indicate that impacts are differentiated and often do not benefit the most

marginalised groups in rural communities (Bruna 2019; Hall, Scoones, and Tsikata 2017; Kumeh and Omulo 2019; Nyantakyi-Frimpong and Bezner Kerr 2017). Still, development narratives drive large-scale investments throughout Africa. In Ghana, state institutions and agencies even help investors secure 'litigation-free' and earmarked lands, alongside numerous tax incentives. Although the promotion of market-led land policies distances the state from actual land transactions, it gives foreign investors easy access to remote rural lands, 80% of which are customarily held. In an interview, an official with a regional Lands Commission emphasised that 'we are only involved as a commissioner'. So, any land transaction outcome depends on the negotiations between investors and families, chiefs, and individuals. Regarding land values and crop compensation, the state only sets the minimum rates upon which negotiations are premised.

When it comes to the oil palm sector, the state has not only played a facilitative role but has been directly involved through special projects and joint ventures with the private sector for plantation schemes. The four most extensive oil palm plantations in Ghana were established through 'lawful' compulsory land acquisitions by the state in the 1970s. The plantations were intended to contribute to the agricultural export sector, traditionally dominated by cocoa. To date, all four of these oil palm plantations have seen some form of privatisation and expansion in scale, and make up a total of about 40,000 ha of estates and outgrower schemes (Sarpong 2013). In 2003, the New Patriotic (NPP) Government, under the presidency of the newly elected John Kufuor, launched the President's Special Initiative (PSI) project, which targeted specific industries and agricultural sectors, including oil palm, to expand Ghana's market base and increase its competitiveness at the global level (Asante 2012). Oil palm, a staple in the Ghanaian food and chemical industry, was facing deficits of about 240,000 tonnes per year in production for domestic consumption and failing to meet its potential to compete with Southeast Asia in meeting the demands of the West. The PSI project was implemented through oil palm research and nursery plantations established through private operators.⁶ Although the project could not achieve its ambitious target of bringing 300,000 ha of land under oil palm cultivation, it certainly contributed to expanding investor and farmer interest in the sector, by establishing estates and related businesses along the value chain. The SG-SOG land acquisition emerged in the context of the PSI project in the region.

In January 2009, SG-SOG,⁷ now operating as Volta Red Farms,⁸ made a deed of lease for the transfer of approximately 3715 ha semi-deciduous forest lands belonging to families in Brewaniase. The 50-year lease was endorsed by the Lands Registry in 2010. However, statements from key informant interviews indicate that land clearance began in March 2008, suggesting that the actual enclosure may have occurred as early as 2007. To amass fragmented family lands, the investor required a great deal of mobilisation to build mutual consent. An influential politician and member of the rural elite, who was also a large-scale oil palm farmer and formerly the best farmer of the region, played the role of middleman to mobilise consent from families. He also took on the role of deal negotiator. Using a non-governmental organisation (NGO) development discourse, he utilised his managerial position in the PSI oil palm programme, his political aspirations, and his familiarity with the local context and the untapped production sites to facilitate the appropriation of the Ntrubo family lands (see also Sud 2014).

As inhabitants of a geographically remote and deprived district seeking both visibility and development, it is not surprising that people appreciated and linked the activities of

the few existing NGOs (notably World Vision International) to promises of corporate social responsibility (especially scholarships) and, ultimately, to the illusion of the plantation becoming their community project in the future. These discourses resonated with the rent-seeking family heads of patriarchal institutions, where women and youth were passive in decision-making processes. Furthermore, family heads had different class interests. The vast majority of the family representatives involved in the deal had access to alternative sources of family lands. However, the few representatives who would lose all of their farm land were later compelled to agree to the deal after unsuccessful contestations.

The family representatives also capitalised on the paramount chief's limited authority over land to exclude him from the details of the land deal, except for his endorsement of the already signed lease, which was imposed on them by the investors' legal team. The paramount chief's endorsement is a legal requirement, reaffirming that the state consolidates chieftaincy authority above all other customary institutions. It is also a symbol of reverence from the families to the stool,⁹ as well as the chief's recognition of the authority of families over their own lands. A family representative, recalling their encounter with the chief, said, 'When we brought it [the lease] to the chief, he requested that he be given some time to review it, but we opposed it It was already cooked, so we were in a hurry to have it'.

The family heads' control over the transaction was also a way to guard against the proposed conversion of the family lands to stool lands – a situation that would strip them of their authority and their control over their lands and full access to rents (see also Lanz, Gerber, and Haller 2018). Indeed, their fears were reified in a nearby village where SG-SOG acquired another 630 ha of family, stool and individual lands: the project was abandoned, and all the affected lands are now under the custody of the chieftaincy. However, it is worth noting that a few years later, when the affected Ntrubo families realised the shadiness of the deal, the families turned to the chief to mediate their lawsuit against the company, thus reaffirming the social function of chieftaincy institutions among the Ntrubo people. Following the litigation and the company's shift in attention to a larger oil palm investment¹⁰ in Cameroon, the original investors left the scene, and in 2013 the management of the plantation was taken over by Volta Red Farms.¹¹ Volta Red also operates an oil palm processing plant in an adjoining district, about 25 km from the plantation.

The acquired lands belong to 15 extended family groups of the Ntrubo clan, directly affecting over 500 people across four generations. Of the 3715 ha of land acquired, the 15 extended families are paid rent for a total of 3028.21 ha (see Table 1); 4.63 ha are community lands; the remaining 682.16 ha have been rendered a 'grey zone' by the company – allegedly unsuitable and mountainous land for which families are denied rent.

Table 1. Landholdings of family groups within the concession.

| Family group | Total landholding (ha) | Family group | Total landholding (ha) |
|--------------|------------------------|--------------|------------------------|
| 1 | 16.91 | | 114.72 |
| 2 | 35.71 | | 134.59 |
| 3 | 62.06 | | 136.22 |
| 4 | 69.43 | | 442.69 |
| 5 | 85.21 | | 456.92 |
| 6 | 103.58 | | 489.26 |
| 7 | 106.35 | | 699.89 |
| 8 | 114.67 | Total | 3028.21 |

Source: Author's fieldwork, 2018–2019.

Migrant and settler sharecropping families, whom the landholding families refer to as 'their foreigners', also resided and farmed employing land rotation. The land was a source of local varieties of timber, wild bananas, cola, citrus and oil palm, and fuelwood, and served as subsistence hunting grounds. Most of the families without alternative farmlands also lived and farmed on the affected lands. This group of landholders and their households were eventually displaced and dispossessed. Many have now resorted to occupying smaller parcels of frontier lands on sharecropping terms, thereby relegating them to the status of landless settlers.

Among landholding households, women, the youth and members with derived and usufruct land use entitlements are significantly impacted by the land deal. Community-wide, the company provided a few boreholes as well as learning materials to support basic schools. However, people expressed concerns about their limited access to construction sand, herbs and fuelwood, and their inability to hunt for bushmeat. Community members anticipated job opportunities; however, their hopes have been dashed given the low employment opportunities and the working conditions that are unfavourable for many.

Formalising spatial boundaries and the politics of exclusion

The Ghanaian state has been putting in effort to incorporate all forms of land tenure into a common law framework through land administration programmes and legal reforms. This requires comprehensive mapping and registration of land holdings and rights (Campion and Acheampong 2014). Many rural agrarian societies do not necessarily abide by these laws, but they become nearly imperative in formal land transactions. Prior to the land deal, landholders did not have formal land titles, nor were boundaries officially demarcated and mapped out. When the acquired land was surveyed and mapped, the affected families became aware of the size and the monetary value of their lands. Before this, due to the practice of land rotation, shifting cultivation and small-scale farming, families focussed more on everyday claims to actual farms than on ownership rights to extended areas of unfarmed family lands. Besides, given the relative abundance of land, it is a norm for landowners to allow sharecroppers (who cultivate food crops) the autonomy to farm lands based on their own capacity rather than mapping out and allocating fixed farm sizes for them when they begin cultivation.

A few family heads arranged the initial selection of areas to be covered by the concession and, subsequently, the cadastral. Initially, about four family heads agreed to make their lands available. However, later, when the investor started working through a middleman and asked for more land, they extended their authority to other lands – farmed land, forests and fallow lands. The remaining families were only passively consulted, through persuasion and forced consent, although some happily supported the project as they expected economic and social gain. Popular accounts suggest that a vast proportion of the land was not under cultivation by indigenes. Although there is a general perception that the acquired lands were the most fertile, infrastructure re-planning in the 1960s led to the construction of a new highway, resulting in a mass movement and involuntary resettlement along with the new development, leaving behind just a few families and tenants. Another major reason for the presumed 'idleness' of the land has been the prevalence of trans-border bushfires (the area is on the Ghana–Togo border), putting cocoa farms at risk. The class dynamics of the leaders

and family heads also played a significant role in influencing families' attitudes towards the land transfer. This can be linked to three key features: the size or share of the land owned by them or their nuclear family; their pre-existing land use; and their access to alternative family lands. Among the 15 extended families in question, three were utterly displaced and dispossessed, had the largest household sizes, and were not represented in the land ownership association's leadership. Their resistance efforts were further weakened by the location of their farmlands within the concession. While some family heads agitated about the lack of transparency, women and youth were removed entirely from the decision-making process.

As a settler society, transfers through gifts and sales have been the premise for land access for non-indigenes. Nevertheless, because these transfers do not conform strictly to classical or Western notions of 'markets' but are embedded in social relations of (re)production, the sudden commodification of the land disrupted the existing relations between landowning families and settlers who purchased land from, or were given land by, natives of the past generation. Some of these settler families were excluded from the mapping processes. The few who joined the survey team had their land boundaries, and thus their share of the land rents, contested by the respective landholding families.

The institutionalisation of exclusion through compensation

In many land expropriation cases, the rules of compensation are contentious (Kuusaana 2017). In the Ghanaian context, the legal basis for compensation is flawed on several levels. The procedure for claim-making makes the active involvement of marginalised groups impossible, thus leading to the underestimation of compensation and the control of it by dominant classes and alliances (Amanor 1999). By design, the existing legislation is more applicable to state land acquisitions than to private transfers and does not effectively address the complex customary configurations of rights and entitlements – the main source of ambiguities in compensation. With compulsory land acquisitions, the seller is expected to hire an independent valuer to determine fair compensation. The mandate of the Land Valuation Division (LVD) of the Lands Commission is restricted to government transactions; private individuals can only hire their services at a fee. Financially constrained families, once again, have to abide by the terms of the company's valuer. As noted by an official of the Land Commission, 'the valuer is expected to value it [the crop] at the government's rate or higher', and the final values result from a negotiation involving all parties.

Compensation by the SG-SOG only came into effect after confrontation by some dispossessed families. Not only is it uneconomical for a company that almost evaded compensation to ensure fair rates, but there is also a historical trend of the government's crop valuation rates being undervalued. A landowner lamented, 'we did not negotiate the rent, it was imposed, and the price is bad'. It is no coincidence that the principal legislation that governs compulsory land acquisitions and, consequently, is the source of the compensation rules, was enacted in the 1960s (Larbi 2009). This was a political-economic period when Ghana, like many other African countries, adopted new investment policies through multipartite arrangements to facilitate import-substituting industrialisation, which became a crucial economic transformation (Graham 1993). What followed was large-scale expropriation of peasant lands in the 1960s and 1970s for oil palm plantations, some of which still have ongoing compensation-related disputes. For instance, between

1979 and 1995, compensation rates remained the same and did not reflect the devaluation of the cedi (Amanor 1999). To date, compensation is only narrowly measured by the value of lost crops.

Internal processes between and within the family groupings for the disbursement of compensation reinforce the existing and evolving power dynamics along the lines of ethnicity, class and gender. In the case under consideration in this study, the family representatives could not deny crop compensation to settlers and migrants who farmed land through rental, usufruct rights, sales and gifts. Unlike ownership of land, which can easily be disputed within families, every farmer is entitled to the fruits of their labour without contention (Kasanga 1999). Hence, doing otherwise would be illegitimate and would instigate overt conflicts, which is highly undesirable in these rural communities. Nonetheless, in a customary society where a multiplicity of norms govern parallel situations, most sharecroppers were not automatically entitled to compensation, even when their crops were destroyed. First, there is the broad, ethnicity-based differentiation between 'foreigners' and 'settlers', which also translates generally into a similar variation between sharecroppers and the rest, ie those who access land through rental, usufruct rights, purchase, and gifts. Cultivators on rented lands are regarded as farmers – they pay rent in advance and are therefore entitled to the farm's yields. Unfortunately, sharecroppers who cultivate food crops pay their 'rents' in cash or food upon harvest. With monetary compensation on offer, some landowners re-invoked the labouring 'classness' of these sharecroppers instead of their farmer status to justify their exclusion from compensation. Sharecroppers have little negotiating capacity; as a landholder reiterated: 'If you have farmed my land, and I am asking you to uproot your food and leave my land because the land has been taken by a company, is there any problem with it? They [sharecroppers] are "nobodies".'

Similar to Arhin's (1986, 30) observations, some landowners reveal the share arrangements only after making a thorough inspection of the mature farm and the yield potential. The few open spaces left for negotiation are determined by the existing social relations with the landowners, although the outcomes are unpredictable. The son of a dispossessed sharecropper stated:

Prior to the takeover, my father had about eight acres of yam farm. His landowner asked him to intercrop cassava in the yam farm because he wanted a third of the cassava as a sharecropping arrangement. However, my father did not share the yam produce with the landowner because the landlord traces his lineage to their [sharecroppers'] hometown, although they are not from the same clan My father did not receive compensation. Now my father has been able to acquire only two acres of land from another family, and the new sharecropping arrangement is one rope [0.1 acres]¹² for the landowner.¹³

Basing compensation on certain crops creates a false dichotomy between 'cash' and 'food' crops and has class, ethnicity, and gender dimensions that cannot be overlooked. The main crops covered in the compensation package were cocoa and oil palm. These so-called 'property' crops are cultivated by men. Usually, even if a woman inherits such property, it is maintained by the men in the family. When women are not independently farming (corn and cassava), they are most likely to be intercropping vegetables (garden eggs, peppers and legumes) in their family farms. By both local norms and state priorities, vegetables – a significant source of food and cash for women – are undervalued, and thus uncompensated. For these systemic reasons, coupled with patriarchal practices of resource distribution,

women were excluded from compensation. Notably, while some landowners and tenants were able to negotiate compensation for food crops like wild bananas, others, especially the Konkomba sharecroppers, were severely affected. Some family heads devalued their long-standing Konkomba sharecroppers to the position of 'squatters', thereby legitimating their exclusion from compensation. This is intrinsically linked to existing socio-cultural perceptions around the Konkombas – symbolising 'non-belonging' and 'mere landless labourers', and sometimes even with connotations of an ethnically violent and inferior group.

Rent and the reconfiguration of power and entitlements

In exchange for the family lands, the company pays an annual rent of approximately 5 USD per hectare – subject to a 2.5% annual increment. Echoing the stories of many others, a prominent family head expressed, 'when we asked him [the middleman] about the terms, he said we should cunningly allow the white man to put the palm tree in the ground before discussing it because of its development prospects'. The initial rent payout brought disappointment to the families who had high expectation of the US dollars. Many farmers realised later that it would actually have been more profitable to give the land to sharecroppers or rent it out to locals than to accept the company's compensation. One noted, 'If someone farms corn on an acre [0.4 ha] for three months, he [the landowner] will get more than 100 cedis [20 USD]'. Local land rental rates are more than 40 USD per hectare, while 0.4 ha of land for sharecropping rice yields a landowner a bag of rice [approximately 25 USD]. In any case, the rents cannot support the local economy while the promises of employment were also not upheld (see Gyapong 2020).

While family heads had themselves been deceived by the false verbal promises that did not correspond with the lease deed, the commodification of the land and the mechanism for rent distribution have produced new systems of control that reinforce inequality and reconfigure existing social relations around land (Yaro 2012). The family representatives are responsible for rent disbursement to their family members, and in many cases are the sole keepers of the concession map and the rent list. Traditionally, family heads are selected via internal family dynamics based on gender, succession and age, but these factors no longer sufficed in selecting representatives. The creation of the family groupings was intended to facilitate administrative procedures for the company to disburse the rent. However, these groupings did not necessarily translate into an easy process for the extended and dynamic family relations which were reduced to a simplified matrix of 'name', 'land owned' and 'amount due' on a rent list. A few literate family members and leaders could negotiate and separate themselves from their extended kinships to create their own smaller family representations. One family representative said:

When they asked us to group into families, I was smart; I did not want many people under me, so, I allowed only one person to join me. I foresaw potential rent-related disputes, so I tried to avoid that. Family [X], for example, are my close relatives, we are descendants of the same grandfather, ... but I did not want any trouble.

The two leaders of the landowners' association are literate, and their families are among the least affected. Their share of land in the concession is relatively small (in the bottom five in terms of land size) and they have access to suitable alternative lands. Having a voice within the family groupings is strongly linked to social status, often overriding one's land size. For

instance, the son of the largest rent recipient (with over 200 ha of land but no access to alternative family lands) noted, 'my father is very passive, and he has no voice in these land matters'. Besides, as per the peasant nature of their agrarian society, before the land deal, interest in land was more closely linked to farm size and crop types, household labour, and access to sharecroppers than to ownership (Amanor 2001). Regardless of the size of land inherited, landowners and their sharecroppers still farmed on small plots (normally under 2 ha) at any point in time. Following the formal demarcation of spatial boundaries, well-landed farmers with suitable alternative family lands benefitted significantly from the rent; less landed farmers benefitted more from farming than from rent.

The mechanism of rent disbursement, coupled with the existing individual family dynamics of land tenure, generated different layers of exclusion. After the family representatives have received the annual rent, the second layer of disbursement occurs when family members whose names appear on the list collect their share. The size of their landholdings ranges between 1.4 ha and 244 ha. Approximately 30% of the landholdings are under 10 ha (see Table 2). In a few cases, a third level of disbursement is then carried out within the smaller families, to those who may have user rights or if the land is part of a family commons (usually, unfragmented land belonging to siblings). Except for a few women whose names appear on the rent list, thereby securing their entitlement to their inherited lands, the recipients are all men. As illustrated in Figure 1, the patrilineal system does not automatically exclude all women from land access and control: depending on both generational factors and the extent of farming activities, some daughters, nieces and sisters, or their successors, can have strong and undisputed claims to land. For instance, when dividing land among his children, a father could either reserve portions as 'family commons' on which all his children can subsist or consolidate the control of an existing farming area to a daughter and her sons, especially if they have property crops.

When family representatives described their relations to the landholders on their families' rent list, about 10% were relations to first-generation paternal aunts (see Figure 2). Many of the paternal aunts are deceased, so their sons inherit the rent benefits. Aside from the 15 family representatives themselves, the largest group of rent receivers are first-generation men, mainly the paternal uncles of the family representatives.

Many third- and fourth-generation women, who may be daughters or sisters of the family representatives, were not entitled to rents, not only because of their gender but in some cases because they did not have well-established farms on those lands. Meanwhile, in

Table 2. Family landholding within the concession.

| Fragmented land holdings within family groups (ha) | Frequency | Percentage |
|---|-----------|--------------|
| 0–10 | 21 | 29.6 |
| 11–20 | 14 | 19.7 |
| 21–30 | 5 | 7.0 |
| 31–40 | 6 | 8.5 |
| 41–50 | 5 | 7.0 |
| 51–70 | 8 | 11.3 |
| 71–100 | 4 | 5.6 |
| 101–150 | 3 | 4.2 |
| 151–200 | 4 | 5.7 |
| 200–250 | 1 | 1.4 |
| Total | 71 | 100.0 |

Source: Author's fieldwork, 2018–2019.

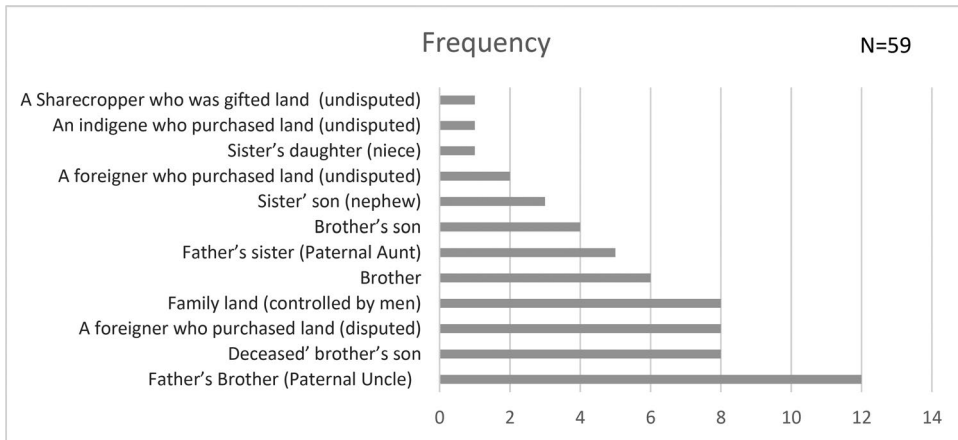


Figure 2. Rent allocation within families as narrated by second-generation family representatives.¹⁴
Source: Author's fieldwork, 2018–2019.

addition to bushfires and the mass resettlement near the newly constructed highway, the concession area is more than 7 km from Brewaniase town. Nonetheless, sharecroppers and Ntrubo families with no alternative farmlands subsisted on the land. Other entitled family members occasionally accessed the lands for purposes other than farming (eg hunting, and to visit shrines). Unfortunately, for daughters and sisters who lost their main farmlands, their previous entitlements did not translate into a right to benefit from the rent. Their entitlements are concealed on the rent list by labels such as 'family X', or 'brothers X and Y' – even when they have living sisters. Such a mechanism puts control in the hands of elderly men and legitimates the exclusion of women from rent. At best, women received tokens from 'kind-hearted' family heads, brothers or fathers.

The situation is no different for the youth whose access to land was through land use, rather than ownership, because their fathers were still alive. Third- and fourth-generation family members (ie sons, daughters and grandchildren of the family representatives) are not represented on the list. The exceptions are the family representatives' brothers' sons (ie their nephews) who had inherited their deceased fathers' lands, and a few who had well-established family farms on fragmented lands. Following the formalisation process, entitlement to rent was deemed analogous to ownership. Thus, family heads have re-invoked the past, space and 'belonging' to secure their claims to land, and strengthened traditions that support such claims (Lund 1998).

The rent list, informed by the mapping, has also become an instrument of pseudo-land tenure formalisation. Often, when I enquired from representatives whether there were any ongoing conflicts regarding boundaries and rents, they referred to the list as evidence of 'who owns what'. Many family members with fragmented lands still did not know their exact hectareage or the actual rent expected. Nonetheless, family representatives often used the rent list to disprove any ongoing intra-family contestations. It has been used as an effective yardstick to forcefully 'resolve' intra-family land litigations and misunderstandings that predated the land grab but did not necessarily disrupt land use at the time. Two affected young brothers, who inherited their deceased father's land, explained in an interview:

Our paternal uncle and our father had already divided the land between themselves. We do not even know how big our father's land was, and now our only reference is the map. This map, how do they expect us to read it and understand the hectares?

When asking family heads to narrate their familial relationship to the rent beneficiaries, I also observed contention around the entitlements of descendants of polygamous families, absentee family members and nephews. Many of the contestations also came from people with small land sizes, under 5 ha (see also Mudimu et al. 2020 on land lease conflicts in Zimbabwe). These groups, and their anger at the injustices of the land deal, corroborated family representatives' attitudes against them and suggested that they did not deserve rent. Explaining why Kofi, a family member, should not be on the rent list, a family head stated:

Kofi's great grandfather migrated to another town, died there and lost his entitlement to the family land in Brewaniase. However, years later, Kofi's paternal great uncle returned home, and the family allotted him a place to farm, after which he established his family there. Kofi is a third-generation descendant – that is the only reason he can lay claim to the land. However, he does not deserve it because his great uncle's lineage only has usufruct rights.

These injustices trickle down to non-indigenes who hold land. Sharecroppers and settlers who received land gifts or had purchased lands from older generations are now in dispute with families who, since the land deal, have failed to recognise such transactions. Some of those who were farming the land received compensation from the landowners. However, it became an effective means by which landholders restricted such non-indigenes from further access to rent. In some cases, powerful landowners could nullify such transactions or forcibly buy back those lands. Some affected family representatives have introduced new norms of demanding written proofs of pre-existing land transfers from 'their foreigners' on their rent lists. This situation has affected 8 of the 10 foreigners whose claim to rent are being disputed by family heads (see Figure 2). These findings reflect how customary land practices and relations can indeed evolve and adapt to 'development' – but, unlike the property rights assumptions in many economic rights theories, these practices breed conflictual relations over land, inequality and enclosure from below (Peters 2013).

Conclusions

This study contributes to the literature on the land question in Africa, by shedding light on how the rising capitalist interests in rural farmlands alter customary land relations in complex ways. While chiefs continue to seek opportunities from land deals, redefining or consolidating their authority over land, claims are also being restructured by powerful actors in the domains of families, thereby shaping land access dynamics and farming practices. Certainly, customary land institutions are not sites of equity (Fonjong and Gyapong 2021), but as we see from this study, the formalisation of boundaries widens the inequality gap by reducing the complex patrilineal system of user and lineage rights to a narrow version of land 'ownership' that benefits a few second-generation men who control rents. Furthermore, control over the mode of compensation and rent distribution has become an avenue to modify existing land tenure relations. The one-time access to compensation became a means to exclude non-indigenes and settler cultivators from rent and thus from their pre-existing claims to land. Family members with entitlements to fragmented or subdivided lands rather than 'family

commons' have gained guaranteed access to rent, thereby defying the purpose and benefits of reserved 'family commons'.

In any case, rents cannot be equated to previous social, economic, cultural and environmental gains from the land. Importantly, the generational implications of large-scale land transactions cannot be overstated. Given the fluid and unpredictable livelihood strategies of the youth who occasionally shuttle between rural and city life, losing family lands jeopardises any security of life in agriculture. The unprecedented COVID-19 pandemic, forcing the youth who have lost their jobs in the city to return to their hometowns and villages, makes this point even more crucial. This situation will also threaten competition over residual lands and frontier areas in the future (Li 2017). Regardless of the changing rural economies, often characterised by occupations in off-farm jobs, petty trading and services, access to land is still central to the security of rural livelihoods. These situations exacerbate inequality, trigger covert intra-family conflicts and build tensions among families, settlers, migrants and sharecroppers. As noted, the history of land relations in Ghana suggests that customary land tenure in any local context defies fixed definition, as these definitions continuously evolve in response to social, political and economic transformations. The directions of change emanating from this sudden commodification endanger present and future land tenure security, particularly user rights for subsistence farming.

Evidence from this research resonates with several other studies that have examined the changes in land and social relations following both foreign and state-led expropriations of customary farmland in Ghana (Amanor 1999; Kuusaana 2017). Although the political dynamics may differ across customary land tenure contexts with different degrees of family and chieftaincy authority, smallholders who are women, youth, sharecroppers, migrants and ethnic minorities without sufficient control over land resources are the most adversely affected. Indeed, women are subjected to further adversities within these marginalised groups, even if the labour prospects are considered. An earlier study by Gyapong (2019) showed that women who always prided themselves on their own small-scale farming are now attracted to wage labour on the plantation. However, they have the fewest job opportunities, work under precarious conditions, remain the lowest income earners, and at the same time shoulder the vast majority of household responsibilities (Gyapong 2019).

In Africa, land and investment policies hardly address the inherent inequalities associated with land transactions. Thus, rural people ought to be protected from the casual promises of development. Ghana's market-led land institutions, and its historical and ongoing fad for foreign and capitalist investments that are primarily driven by modernisation and productivity discourses under the rhetoric of jobs, food and economic development, do not safeguard the livelihoods of marginalised rural groups. The persistent denial and indifference on the part of state institutions regarding the negative impacts of land grabbing in Ghana imply that systemic changes to land policies and investments would require concerted efforts from researchers and civil society organisations via diverse platforms to raise awareness, and to sensitise the public through the lens of the ongoing and broader global land rush, rather than a narrow local investment narrative. Due to the customary nature of Ghana's rural agricultural land tenure and the centrality of traditional institutions in the rural economy, the state has a critical role to play, from above rather than from below. Civil society pressures on the state can be targeted at investment agencies and institutions, to conduct necessary checks and due diligence before even allowing the entry of such businesses. In the same way that investors are compelled to abide by strict financial requirements and

specific legal obligations, other aspects, such as information on investment models and land lease documentation, could be incorporated into agribusiness registration procedures. A land capping measure could also be a way to control indiscriminate acquisitions and monitor investments, although one cannot predict how customary institutions may respond to them. At the same time, there is a need for changes to obsolete compensation and rent laws that do not favour women, rural landholders or cultivators. While these policy suggestions may not be the most radical alternatives, if implemented they can serve as proactive measures to ensure responsible investments or prevent disruptive ones.

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Notes on contributor

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Notes

1. Among some ethnic groups, chiefs are not custodians of family lands.
2. Brewaniase is the seat of the Ntrubo Paramount chief and the capital town of the Ntrubo traditional area.
3. A paramount chief is a formally recognised superior leader/chief of an ethnic group and the communities under their jurisdiction, often a member of a regional/national house of chiefs. This recognised body unites traditional rulers in Ghana.
4. All 11 communities in the Ntrubo traditional area. The chiefs in these communities double as sub-chiefs under the paramountcy. Brewaniase is the seat of the paramount chief.
5. The mounds are for planting yams and potatoes.
6. <https://www.modernghana.com/news/30274/psi-on-oil-palm-to-be-launched-in-april.html>
7. It was an affiliate of Herakles Capital New York, a private investment firm in the telecommunications, energy and agro-industry sectors.
8. Volta Red is under the directorship of two British investors affiliated with the Wyse Group Limited, a UK construction company.
9. The stool is the symbol and authority of chieftaincy among many southern ethnic groups, and 'stool lands' refers to lands under chiefs' custody.
10. <https://www.oaklandinstitute.org/land-deal-brief-massive-deforestation-portrayed-sustainable-investment-deceit-herakles-farms>
11. The plantation ownership and directorship have changed hands from American to British investors (Volta Red), but it continues to operate under the terms of the original lease.

12. Nine ropes are equivalent to one acre within the study localities.
13. Yam (water yam) is not a staple for the Ntrubos. It is usually farmed on rented lands, and in the few cases where it is sharecropped, a landlord either requests a small share of the produce instead of the contractual one-third or opts for a monetary value for their share.
14. I requested each family representative to narrate their kinship relationship to the custodians of the annual rent, as shown on their respective family lists. The chart represents responses from all family representatives consisting of fourteen men and one woman. The family lands indicated on the chart are not attached to particular individuals, but a family name or 'brothers'.

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