

**UNMASKING**  
**LAND GRABBING IN GHANA;**  
**RESTORING LIVELIHOODS;**  
**PAVING WAY FOR SUSTAINABLE**  
**DEVELOPMENT GOALS**

*Cover photo by Rose Oppong of CIKOD*

**A Report of**



**CARITAS GHANA**

August, 2016

Edited By: Samuel Zan **AKOLOGO** & Bernard Y. **GURI**

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## ABSTRACT

Our land is sacred, our land is our life, our land is not for sale. God forbid that we betray this trust and turn Africa land into commodity for sale'.<sup>1</sup> These words are the opening commitment statement of over 150 participants at a continental conference against land grabbing in Africa in November 2015 in Kenya. The Ghanaian participants at the Conference, comprising National Catholic Secretariat and the Centre for Indigenous Knowledge and Organizational Development (CIKOD), agreed to work together to explore ways of raising the issue of land grab as a national issue. The purpose was also to enhance our understanding of what could be done to address the issue. We especially sought to broaden public, including community members', awareness about the canker of land grabbing so that they are able to take actions directly when the threat occurs. This research work is expected to be catalytic towards the development of a long term programme of work to address the problem of land grab in Ghana. It is our hope that this work would help mobilize apprehension, energies and resources needed to be able to confront this emerging threat to rural livelihoods.

The opening chapter reveals how inadequate land management and utilization policy coupled with previous economic development programmes, largely influenced by external forces, has created an environment for land grabbing in Ghana. Another more recent catalyst to this evil has been urbanization. The chapter has noted that limited consultation with farmers, communities and households whose livelihoods depend on land, in very important decisions is a serious aberration with consequences for the violation of fundamental human rights.

Chapter two uses Pope Francis' encyclical – **Laudato Si** on the Care of Our Common Home and his other teachings to emphasize the need for dialogue on how we are shaping the future of our planet. 'What kind of world do we want to leave to those who come after us, to children who are now growing up?' (**LS160**). The chapter suggests that the Church has critical role to play by first taking a hard look at itself to see where it may likely be part of the problem. Secondly, by taking inspiration from Pope Francis to do advocacy on the care of the earth. A collaborative approach between church and state is proposed to address the problem.

In chapter three, the research report presents three case studies which demonstrates how land grab is a real threat to lives and livelihoods of especially those already at the margins of society and whose only coping mechanism is through their God-given resource of land. The narrations of the cases of Okumaning, Babator and Brewaniase, based on information gathered from field interviews, are chilling and sometimes heart-breaking from the level of atrocities and flagrant disregard to people's well-being. At first hand, based on promises and plans often outlined, they are paved with good intentions but actual results are disappointing to the people. Some of the research questions for this survey and the definitions of land grab cases are recommended for use when sensitising communities and for further investigations on the subject matter.

<sup>1</sup>SECAM Conference on Land Grabbing and just Governance in Africa, November 22 – 26, 2015 commitment to act against land grabbing and to support local communities.

Chapter four helps us to understand the dynamics of land grabbing which are tactfully driven and controlled by the foreign investors with their ability to exploit loopholes in national legal frameworks and the ignorance of communities. The potential for corruption, manipulation, threats and intimidation that pave the way for land deals done in surreptitious circumstances, have been explained in this chapter. The chapter provides lessons for the Church in its attempt to tackle this menace in Ghana; from the adage 'Forewarned is forearmed'. The experience of the Centre for Indigenous Knowledge and Organizational Development (CIKOD) in applying the Community Bio cultural Protocol (BCP) in a small community in the Upper West Region has helped the people to ward-off the ills of land grab for mining exploration.

The adoption of the Sustainable Development Goals (SDGs) as the global new framework for development has thought us profound lessons about how development ought to be done and the need for a change in mind-set. Our proposals for policy consideration and recommendations, in chapter five, begin on the premise of Pope Francis' encyclical – **Laudato Si** On the Care for our Common Home. Land grab can have dire and negative implications to the attainment of some critical sustainable development goals in Ghana. This last chapter recognizes that there already exist some policy guidelines and on-going advocacy efforts of other civil society organizations on land grab and or its related issues. We see **Laudato Si** as a framework for collective and collaborative response of church, state, society and corporate bodies to build consensus in addressing the problem.

## **ACKNOWLEDGEMENT**

This work is the result of both joint and collaborative effort for which gratitude is owed to many organizations and individuals. The resources that supported the work came from the Ghana Catholic Bishops' Conference (GCBC), DKA Austria, Misereor- Germany and the Africa Faith Justice Network. The organizations are duly acknowledged also at the back-cover of this report. Besides, making financial resources and availing staff time, the Bishops' Conference of Ghana also prioritized the need for this work during their Plenary Assembly in May, 2016 which helped to set a strong agenda for this work beyond this research.

The initial conceptual paper for the project was developed jointly by the National Catholic Secretariat – Department of Human Development and the Centre for Indigenous Knowledge and Organizational Development (CIKOD). This was used to contact potential partners for funding support. The contributing partners made their disbursements through Caritas Ghana which was normally represented by the Department of Human Development. Consequently, Caritas Ghana took direct responsibility in the project implementation with CIKOD. CIKOD staff conducted all the field surveys and shared their experience on the Community Bio Cultural Protocol as chapter four of this report. The case study on Brewaniase was the initial work of the Africa Faith Justice Network which was taken up for further investigation by this research. We are grateful to AFJN for this ground-breaking work on the Brewaniase land grab that inspired our research work also.

The following individuals provided in-depth input into the various chapters of this report, based on their interest and areas of expertise. This was done through drafting, reviewing, field interviews, field-level evidence gathering including pictures, and commenting on relevant chapters. They are Rev. Fr. Emmanuel Abbey-Quaye – former Assistant Secretary General of the National Catholic Secretariat, Ms Rose Oppong of CIKOD, Dr Patrick Tandoh-Offin of GIMPA and Rev. Fr. Wisdom Larweh – current Assistant Secretary General of National Catholic Secretariat. Additional staff of the National Catholic Secretariat, Marshallan Relief and Development Services (MAREDES) and the Centre for Indigenous Knowledge and Organizational Development (CIKOD) also participated in a validation and review meeting of the draft report on 4<sup>th</sup> August, 2016 and made very useful suggestions to the draft report. Their time and input are very much acknowledged and appreciated. Staff of Caritas Ghana and the Department of Human Development at the National Catholic Secretariat provided all the logistics support during the entire period of the research. David Y. Issaka, Esther Williams and Robert Akoto-Quaigyah deserve special mention in this regard.

The drafting, literature review, editing and final compilation of the report was the responsibility of Bernard Y. Guri and Samuel Zan Akologo of CIKOD and Caritas Ghana respectively. This was service done for Caritas Ghana for which gratitude is owed. Their work is duly acknowledged as editors of the report while Caritas Ghana retains the responsibility and authorship of the report.



# CHAPTER ONE

## BACKGROUND TO LAND ADMINISTRATION IN GHANA

### Introduction

The National Land Policy that was developed in 1999 provided a rallying point for assembling the problems associated with land ownership, tenures, management and development in Ghana. The broad policy goal of the document was to facilitate a rational and relatively orderly system of land administration by addressing critical challenges that affect the sector<sup>2</sup>. These challenges consist of a general indiscipline in the land sector that is defined by land encroachments, multiple land sales, use of unapproved development schemes and haphazard development. Others include indeterminate boundaries of customary-owned lands resulting from a lack of reliable maps and plans, weak land administration system and conflicting land uses<sup>3</sup>.

The government's decision to develop a national policy direction for the management and development of lands was informed by the linked role that properly managed lands have with economic and social development of the peoples and their communities<sup>4</sup>.

For developing countries like Ghana, a major goal of social and economic development planning is poverty reduction due to its central place in freeing the needed resources for the individual, household, community well-being and the overall growth and development of economic systems<sup>5</sup>. Poverty reduction programming, therefore, has implications for access to and control of different forms of resources for direct production activities such as land and credit, human capital resource (education and health), as well as social capital resources for political participation at all levels, and for seeking legal rights and protection. The absence of these resources can derail any effort towards alleviating or reducing poverty in any economic system.

### Challenges with Land ownership in Ghana

The major interventions instituted in much of the developing world including Ghana by the Bretton Woods Institutions of the World Bank and the International Monetary Fund (IMF) since the mid-1980s such as the Structural Adjustment and the Economic Recovery Programs (SAP and ERP) are mostly directed at poverty reduction. The realities on the ground, however, point to the fact that the activities and initiatives under these

<sup>2</sup>An Article by Callistus Mahama titled "Land Administration Project in Ghana: A Way Forward," posted [www.ghanaweb.com](http://www.ghanaweb.com) on 24<sup>th</sup>, September, 2003.

<sup>3</sup>An Article by K. Kasanga titled "Current Land Policy Issues in Ghana," for the Economic and Social Development Department of the FAO, 2006. Accessed from <http://fao.org/docrep/006/y5026e0a.htm#bm10> land reform, land settlement and cooperatives, special edition.

<sup>4</sup>The Ghana Poverty Reduction Strategy (GPRS), (2002), "An Agenda for Growth and Prosperity: An Analysis of Policy Statement," Republic of Ghana

<sup>5</sup>Ofofusu – Kusi Y. (2009). Development in Ghana: Resources, Utilization and Challenges, Printed by Salt 'N'Light.

programs created different challenges for agriculture and land ownership leading to landlessness and further exacerbating poverty situation in Ghana. Manifestations of these realities as have been documented include the unintended and unanticipated impacts on agriculture from the implementation of the SAP and the ERP<sup>6</sup>.

Although, the economic recovery and the structural reforms programs enabled the country to reduce its debt service ratios through the restoration of the export base of Ghana's economy, it happened at the expense of smallholder farmers, and resulted in encroachment on forest lands and further generated protracted land ownership disputes and conflicts. Other related challenges associated with the reforms and recovery programs consists of negative land policies and outdated/outmoded land management systems that put the state solely in charge of land management to the detriment of communities, families who own the lands<sup>7</sup>.

It is worthwhile to note also that land ownership in Ghana has had a role to play in the present state of lands and landed property ownership and management in Ghana. All the important legislations and institutions that have been created for the management and use of lands in Ghana counter-intuitively appropriates all the vital land management activities and decision-making processes to the state with very little involvement or input from the general public. The resultant effect is the gross disregard for the requirements for planning permission and application for development permits even under statutory planning schemes.

Additionally, the issue of rapid urbanization has also been identified as a cause of loss of agricultural land generally and specifically for peri-urban agricultural practices. Much as urbanization expands opportunities for people to improve their livelihoods through access to social amenities and utilities, as well as employment opportunities, the costs associated with it reflects in the loss of agricultural lands, landlessness poverty, food crises, environmental degradation and pollution, social vices that further create gender insecurity in society. Rapid urbanization and its attendant (negative) effects have also been identified as a major contributor to the unending land-related conflicts, disquiet among some displaced indigenous communities. Most of the peri-urban land conversions that take place at the fringes of cities lead to displacement of farmers who, in most cases, do not receive any compensation from the chiefs, queen-mothers or government. The continual neglect and displacement of the indigenous people especially as a result of the peri-urban land conversions has had significant effects on the livelihoods of women in these areas<sup>8</sup>.

Land ownership in Ghana since the pre-colonial days has been chequered and plagued by a lack of comprehensive ownership information and use of outdated legislation. By and large, land ownership has been the cause of so much confusion, conflicts and protracted disputes within and between families and

<sup>6</sup>K. Kasanga (1997b). "Economic Recovery and the Emergent Landless Class." Paper Presented at the Colloquium on Social Policy and Development in Ghana, Legon, Accra, 12 – 13 December, 1997.

<sup>7</sup>Kasanga, R. and Kotey, N. A. (2001). Land Management in Ghana: Building on Tradition and Modernity, IIED, London.

<sup>8</sup>Kasanga, R. "Rapid Urbanization, Land Markets and Gender Insecurity in Peri-Urban Kumasi, Ghana." Final draft Report, GUE Research Program, Mazingira Institute, Nairobi, Kenya, August, 1997.

communities<sup>9</sup>. Apart from “public and vested lands” which are lands that are vested in the President, on behalf of, and in trust for, the people of Ghana, and for which adequate legislations have been promulgated to protect, most of the existing legislations create legal contradictions for the smooth management of lands in Ghana<sup>10</sup>. The legal contradictions occur in the processes and guidelines stipulated for the disposal of lands, for collection and distribution of revenues and other benefits, for granting planning and development permits and deeds and title registration as well as the overall management of lands and landed property<sup>11</sup>. The contradictions exist because of the limited consultations permitted between formal and informal institutions namely custodians, farmers, communities and households whose livelihoods impinge on and are affected by any such transactions on lands in Ghana<sup>12</sup>.

In sum, land rights in Ghana suffers from a multi-pronged attack in many directions notable among which include: inadequate policy and legal frameworks to guarantee ownership and transfer rights; fragmented institutional arrangements and weak institutional capacity characterized by the overlapping and jurisdictional conflicts associated with the many government agencies and departments that have responsibility for land administration in Ghana; a weak land administration system that excludes land owners and chiefs from major decisions on land management<sup>13</sup>. Other issues relate to under-developed land registration system and inefficient land markets; compulsory acquisitions by government of large tracts of land without payment of compensation; indeterminate boundaries of customarily held lands that generate disputes and conflicts and protracted litigations; inadequate security of land tenure, undervaluing urban property, making it difficult to use land values as collateral for loans and depressing national and local government revenues; difficult access to land that derail rural and urban development; and the general indiscipline in the land market.

## **Land Administration Project as Solution**

In light of the foregoing characterization of the land administration situation in Ghana, the national land policy promulgated in 1999 recommended for the creation of the Land Administration Project (LAP) to among others, reduce poverty and enhance the economic and social growth by improving security of tenure, accelerating access by the populace to land and fostering efficient land management by the development of efficient system of land titling, registration and administration in Ghana. One of the many achievements of the

<sup>9</sup>Kasanga, K.R. (2008). Land Policy and Land Management from the Traditional Perspective in Ghana, a Paper Presented at the University of Leeds, April, 2008.

<sup>10</sup>Sittie R. (2006). Land Title Registration – The Ghanaian Experience, Shaping the Change XXIII FIG Congress, Munich, Germany, October 8 – 13.

<sup>11</sup>An Article by Callistus Mahama titled “Land Administration Project in Ghana: A Way Forward,” posted [www.ghanaweb.com](http://www.ghanaweb.com) on 24<sup>th</sup>, September, 2003.

<sup>12</sup>Owusu-Poku K. (2008). Enhancing Public access to Land and Improving Land Documentation within the Kumasi Traditional Area. Perspective of the Lands Commission.

<sup>13</sup>Kasanga, K.R. (2008). Land Policy and Land Management from the Traditional Perspective in Ghana, a Paper Presented at the University of Leeds, April, 2008.

LAP initiatives has been the development of a draft Lands Act, currently being discussed with relevant stakeholders. Among other things, the proposed Bill seeks to define the different interests in lands, streamlines the ways for managing lands by and at the different levels, and offers a process for registering and transferring lands in Ghana. As per the preamble to the Bill, “its objective is to revise and consolidate the laws on land, with the view to harmonizing those laws to ensure sustainable land administration and management, effective land tenure and efficient surveying and mapping regimes and to provide for related matters”.

## **The Rising Phenomenon of Land Grabbing**

The concept of land grabbing is not a recent phenomenon. It was long associated with land conversions in peri-urban areas where agricultural lands have been converted to residential use<sup>14</sup>. While that process has taken on significantly greater dimensions due to rapid urbanization and rural-urban migration, new forms of it have emerged with the oil and gas activities and biofuel energy activities through *Jatropha* plantations. A 2010 report by the Friends of the Earth indicated that about 37 percent of Ghana's cropland has been acquired by both foreign and local businesses for the cultivation of the *Jatropha* for biofuel energy<sup>15</sup>. Similarly, the coastal regions have not been left out of the speculative use of land resulting from the emerging oil and gas industry<sup>16</sup>. Key questions that need to be asked are whether land owners are getting fair deals from these land conversions; who participates in any transactions associated with these speculative use that is driving land conversions in many parts of the country that is taking away prime agricultural lands for other uses; what are the implications of these landed activities for local and national food security in Ghana; and the implications of these activities on the ecology.

## **Conclusion**

These questions and related ones must engage the thought of both state actors and all other stakeholders in the land sector for solutions on the way forward for the proper and fair acquisition, management and use of lands in Ghana at present and the years to come.

<sup>14</sup>Land Grabbing in the Oil and Gas Regions of Ghana– Emerging Problems and Challenges, (7312)

<sup>15</sup>Friends of the Earth (FoE) Report “Africa for Grabs.” Accessed from <http://foodsecurityghana.us2.list-manage.com/track/click?u=6112bc1e047e25e619f57b576&id=372ec80512&e=8137ee443d>

<sup>16</sup>Land Grabbing in the Oil and Gas Regions of Ghana– Emerging Problems and Challenges, (7312)  
Tina Dzigbordi Wemegah and Edward Attimo Amihyah Kwesi (Ghana).

# CHAPTER TWO

## LAUDATO SI AND LAND GRABBING: THE GHANAIAN CONTEXT

### Introduction

Land grabbing is most often defined or described as, “The acquisition of large areas of land in developing countries by international firms, governments or individuals for economic and other purposes”. In recent years, land grabs across the world have increased following the worldwide hike in food prices in 2008, prompting investors to look toward the global south, particularly Africa, for potential land investment to produce food and biofuel for export and international markets.

Again, in many parts of the world, but particularly in Africa, large tracts of land are also being acquired for speculative purposes, known as “land banking”, where the buyer holds the land and sells it later at a high cost. This is becoming an emerging phenomenon that ought to be dealt with before it becomes a global problem.

### Summary of *Laudato Si'*

The encyclical, *Laudato Si'*, is Pope Francis' encyclical on the care of the earth. The full title of the encyclical, namely, *Laudato Si', mi Signore!* (Italian - “Praise be to you my Lord”), is inspired by the invocation of St. Francis, “Praise be to you, my Lord”, in his *Canticle of the Creatures*, where he calls the earth, Mother Earth, the sun, brother Sun, the moon, sister Moon, and so on. In this encyclical, the Pope reflects on stewardship of creation and what role all human beings can and should play to take good care of the earth which he describes as our common home.

From the outset, Pope Francis states the goal of the encyclical when he says that, “*In this Encyclical, I would like to enter into dialogue with all people about (the earth) our common home*” (LS 3). The Pope explains the goal of the dialogue in LS 14, stating, “*I urgently appeal, then, for a new dialogue about how we are shaping the future of our planet. We need a conversation that includes everyone, since the environment challenge we are undergoing, and its human roots, concern and affect us all*”. Thus, the question which is at the heart of *Laudato Si'* is, “*What kind of world do we want to leave to those who come after us, to children who are now growing up?*” (LS 160).

According to Pope Francis, “*This question does not have to do with the environment alone and in isolation; because we cannot approach the issue piecemeal.*” Instead, he proposes that all of us should ask ourselves the meaning of existence and its values at the basis of social life: “*What is the purpose of our life in this world? What is the goal of our work and all our efforts? What need does the earth have of us?*” For Pope Francis, unless we struggle with these deeper issues, our concern for ecology will not produce any significant results.

In *Laudato Si'*, the Pope reminds that the earth is our common home. He says the earth “*is like a sister with whom we share our life and a beautiful mother who opens her arms to embrace us*”. “*We ourselves are dust of the earth*” (Gen. 3:19b); “*our very bodies are made up of her elements, we breathe her air and we receive life and refreshment from her waters.*” This should help us to care for the earth but unfortunately, this is often not the case.

In many places of the global village today, the earth is mistreated, used, abused and misused. Now, the earth is lamenting and groaning and according to the Pope, it is time for all people to listen to these laments and groans of the earth and have what he calls an “*ecological conversion.*” (The expression was first used by St. John Paul II). He invites us to “*change course,*” “*to change direction,*” *by taking on the duty and responsibility of “caring for the earth, our common home” for “Humanity still has the ability to work together in building our common home.” Convinced that “men and women are still capable of intervening positively”,* the Pope says all is not lost.

### **Division of *Laudato Si'***

The encyclical is made up of six chapters. In Chapter One, under the title, “*What is Happening to our Common Home?*,” Pope Francis presents the problems of the earth and identifies some of them as pollution, climate change, lack of access to water, loss of biodiversity, among others. In Chapter Two which has the title, “*Gospel of Creation,*” the Pope uses the biblical stories of creation, particularly the creation accounts in Genesis 1 and 2, to teach that the responsibility of human beings towards the earth is to till and keep the garden of the earth (Gen. 2:15). Thus, whereas it is legitimate to use the resources of the earth for man's maintenance and sustenance, it is equally legitimate and imperative to preserve and safeguard these resources for present and future generations. In Chapter Three of *Laudato Si'* under the title, “*The Human Roots of the Ecological Crises,*” the Pope identifies the human roots of the current ecological crises and says that technology, globalization, anthropocentrism, practical relativism and the “*use and throw away*” logic and culture account for the problems the earth is facing today, and calls for broad and responsible debate of all people to happen in order to deal with the crises.

In Chapter Four, under the title *Integral Ecology*, the encyclical invites all people of the earth to practise integral ecology, that is to acknowledge that we live in relationship with God, fellow human beings and creation and to break any of these relationships is to sin. Thus, human beings are to reject the notion that being created in the image of God means absolute power over all that God has created since we are only stewards. This is the chapter in which the Pope talks about land grabbing, particularly, in LS 146. In Chapters Five and Six, the respective titles, are *Lines of Approach and Action* and *Ecological Education and Spirituality*. The Pope calls for dialogue, consensus building, action, education and spirituality to tackle the problems facing the earth. He encourages governments, organisations and individuals to adopt a different approach towards the issue of caring for the earth and says that everyone must be part of the solution.

## **Laudato Si' and the Issue of Land Grabbing**

In the Chapter Four of *Laudato Si'* under the title Integral Ecology, the Pope explicitly talks about the issue of land grab. At the beginning of that chapter, the Pope makes the point that everything about the ecology is closely interrelated and states that today's problems call for a vision capable of taking into account every aspect of the global crisis. Here in Chapter Four, the Pope talks about “*environmental ecology*” explaining that the “*environment*” is a relationship existing between nature and the society which lives in it and therefore nature cannot be regarded as something separate from ourselves or as a mere setting in which we live. According to the Pope, we are part of nature, included in it and thus in constant interaction with it. The Pope also talks about “*economic ecology*” and explains it to mean that economics must be in the service of a more integral and integrating vision and not just aim at simplifying procedures and reducing costs. Then he talks about “*cultural ecology*” where he teaches that, “*Together with the patrimony of nature, there is also an historic, artistic and cultural patrimony which is likewise under threat. This patrimony is a part of the shared identity of each place and a foundation upon which to build a habitable city. It is not a matter of tearing down and building new cities, supposedly more respectful of the environment yet not always more attractive to live in. Rather, there is a need to incorporate the history, culture and architecture of each place, thus preserving its original identity*” **(LS 143)**. Ecology, then, also involves protecting the cultural treasures of humanity in the broadest sense. More specifically, it calls for greater attention to local cultures when studying environmental problems, favouring a dialogue between scientific-technical language and the language of the people. Culture is more than what we have inherited from the past; it is also, and above all, a living, dynamic and participatory present reality, which cannot be excluded as we rethink the relationship between human beings and the environment.

For Pope Francis, getting to the reasons why a given area is polluted requires a study of the workings of society, its economy, its behaviour patterns, the ways it grasps reality, and so forth. Given the scale of change, it is no longer possible to find a specific, discrete answer for each part of the problem. It is essential to seek comprehensive solutions which consider the interactions within natural systems themselves and with social systems. We are not faced with two separate crises, one environmental and the other social, but rather one complex crisis which is both social and environmental **(Ls139)**

To appreciate the beauty of the teaching of *Laudato Si'* on land grabbing, it is important to reproduce here what the document actually says in numbers **145** and **146** on the subject. **LS 145** says, “*Many intensive forms of environmental exploitation and degradation not only exhaust the resources which provide local communities with their livelihood, but also undo the social structures which, for a long time, shaped cultural identity and their sense of the meaning of life and community. The disappearance of a culture can be just as serious, or even more serious, than the disappearance of a species of plant or animal. The imposition of a dominant lifestyle linked to a single form of production can be just as harmful as the altering of ecosystems.*”

In **LS 146** also, the Pope teaches that, *“In this sense, it is essential to show particular concern for indigenous communities and their cultural traditions. They are not merely one minority among others, but should be the principal dialogue partners, especially when large projects affecting their lands are proposed. For them, land is not a commodity but rather a gift from God and from their ancestors who rest there, a sacred space with which they need to interact if they are to maintain their identity and values. When they remain on their land, they themselves care for it best. Nevertheless, in various parts of the world, pressure is being put on them to abandon their homelands to make room for agricultural or mining projects which are undertaken without regard for the natural and cultural degradation.”*

In this teaching, we see that the Pope gives clear guidance and indications in relation to the dangers of land grabbing. He denounces an exploitative approach towards land when he says that for indigenous communities, *“... land is not a commodity, but rather a gift from God and from their ancestors who rest there, a sacred space with which they need to interact if they are to maintain their identity and values. When they remain on their land, they themselves care for it best. Nevertheless, in various parts of the world, pressure is being put on them to abandon their homelands to make room for (industrial) agricultural or mining projects which are undertaken without regard for the degradation of nature and culture” (LS 146).*

In *Laudato Si'*, the Pope sees lands in the hands of traditional people as sacred, a gift from God for which reason they care for it best. He denounces the pressure that is put on such people to abandon their lands for huge agricultural and mining projects which eventually not only degrade the lands but more importantly degrade also the people's culture and calls for a rethink of this phenomenon.

Apart from his teaching on land grabbing in *Laudato Si'*, Pope Francis has also voiced great concern about the issue of land grabbing on different occasions. For example, in a speech delivered at the UN Food and Agriculture Organisation meeting in Rome in June 2015, the Pope warned against the *“monopolising of lands of cultivation by trans-national enterprises and states, which not only deprives farmers of an essential good, but which directly affects the sovereignty of countries”*. In the same speech, the Holy Father also pointed out that: *“There are already many regions in which the foods produced go to foreign countries and the local population is doubly impoverished, because it does not have food or land”*.

Clearly, the Pope has taken the lead in bringing the conscience of the world to an emerging phenomenon which poses a danger to people and so it is important for all people of the world to begin to discuss the situation and to come out with possible solutions to help address it without any further delay. The Church everywhere ought to call for an honest discussion on the issue and lead the effort at resolving it because as the moral voice and conscience of society, the Church possesses the credibility to get all people on board in addressing this issue holistically.

## **Land Grabbing and the African/Ghanaian Context**

Land grabbing is becoming a serious problem across many countries in Africa, including Ghana, requiring



urgent attention since it threatens livelihoods and food security. It has already dislocated hundreds of thousands of people from their lands, deprived them of natural resources and threatened their livelihoods.

The threat posed by the issue of land grab in Africa recently prompted the Symposium of Episcopal Conferences of Africa and Madagascar (SECAM), the umbrella body of all the Bishops' Conferences in Africa and Madagascar, to organise a five-day workshop on it in collaboration with Africa Faith and Justice Network (AFJN), and (a network of Catholic development agencies). The Conference which was under the theme, "*Land Grab and Just Governance in Africa*", took place in Nairobi, Kenya, from November 22 to 26, 2015, brought together about 150 participants from the African continent and beyond, including many people directly involved in land grabbing struggles, to discuss land grabbing and just governance, issues that constitute a significant threat to food sovereignty.

Among the cases that were presented during the Conference were the one involving the Italian project, Senhuile SA, which has leased 20,000 hectares of land in the Ndiaël Reserve in Senegal, land used for decades by residents of some 40 villages in the area. This resulted in an on-going conflict with the villagers, who want the project stopped. The case of farmers in Nigeria's Taraba State and in Kenya, who are being forced off lands that they have farmed for generations to make way for US company, Dominion Farms, to establish a rice plantation, was also a subject of discussion just as cases involving Bollore land deal in Cote d'Ivoire, Cameroon, Liberia as well as in Sierra Leone and cases from Mozambique, the Democratic Republic of the Congo and Mali. The conference aimed at developing strategies to support and strengthen local communities in their struggles to stop this menace and to build resilience.

The widespread nature of these cases from the different countries only goes to show the extent to which land grab has already become a major problem in Africa and the need to begin to address it holistically and now.

## **The Church's Role in Addressing the Issue of Land Grabbing**

The Church certainly has a role to play in addressing the issue of land grab across the African continent and elsewhere. Thankfully, the Pope's Encyclical, *Laudato Si'* seems to have given a lot of fillip to Bishops' Conferences across the world in their advocacy on the care of the earth as well championing the cause of right. For example, in support of *Laudato Si'* and ahead of the climate Conference of Partners (COP) 21 in Paris, the Bishops' Conferences across the world signed on the 22<sup>nd</sup> of October 2015 an appeal which called for COP 21 "*to ensure people's access to water and to land for climate resilient and sustainable food systems, which give priority to people driven solutions rather than profits.*" This is in the right direction but the Church's voice can only become legitimate and credible to the extent that it puts its own house in order. After all, charity, they say, begins at home.

In his welcome address to the Nairobi Conference on Land Grabbing and Just Governance mentioned previously, Most Rev. Thomas Msusa, Archbishop of Blantyre, Malawi, called on participants to turn their lens of advocacy on the Church and other religious bodies also. He intimated that issues of land grab might

possibly be found in the Church by way of the Church and its agents acquiring land but not putting it to productive use. He noted that, for instance, where the Church acquires fertile agricultural lands without using them for years, such lands could be given to the poor and marginalized to improve their livelihood. The Archbishop may not be far from right when he notes that in most cases, Advocacy Groups place more focus on politicians and business people regarding land grab without looking at what is sometimes happening within the religious bodies. It cannot be disputed that there are cases where dioceses and religious congregations sometimes engage in infightings regarding the acquisition and ownership of land, a situation which must stop.

In Ghana, the issue of land grabbing has also attracted the attention of the Ghana Catholic Bishops' Conference. At its May 2016 Plenary Session held in Accra, the Catholic bishops of Ghana resolved to tackle the issue of land grabbing and land grabbers/destroyers head-on in close collaboration with relevant state institutions responsible for that sector. In this sense, the Conference proposes to organise a seminar in the not too distant future on Climate Change and Laudato Si'. The topic of land grabbing will feature prominently.

One cannot deny the fact that both the Church and the State have a duty to deal with the issues of land grab, prevent the destruction of lands and work together for the development of the people instead of fighting over the acquisition of land. The collaboration between the Church and the State in this regard should aim at bringing positive change in the attitude of people to land acquisition. This will come about through a positive change in each and every person's heart. The Church should champion the course of just governance and the creation of awareness on the right to sustainable development. Above all, the Church has a moral duty to address the issues of Climate Change. With particular reference to Laudato Si,' she must engage in collaborative efforts and networking with the State to find answers to the numerous challenges associated with land grabbing.

## **Conclusion**

Land grabbing is an emerging issue especially in Africa which needs to be addressed sooner than later. While we acknowledge that the Church is a credible institution that ought to lead the efforts at tackling the issue of land grabbing, we also need to be mindful that we are all part of the problem and therefore have to work together in addressing the phenomenon of land grabbing because land is the very construct of our being. In her advocacy efforts, the Church must encourage Governments to enact laws to protect lands where they do not exist and where they exist, ensure that they work. This is because sometimes, laws may be well framed, yet remain a dead letter. For example, there are many countries including Ghana, which have clear legislation about the protection of forests but which continue to keep silent as they watch these laws repeatedly broken for economic reasons and other such considerations. It is only when Governments begin to enforce existing laws on protection of environment that we can hope that legislation and regulations dealing with the environment will really prove effective.

The reflection on resolving the issue of land grabbing is important because land is a required condition for the life and survival of society. Therefore, honesty is needed to question certain models of development, production and consumption. Strategies for a solution demand an integrated approach to combating poverty, restoring dignity to the underprivileged, and at the same time protecting nature. The Church cannot fail in its leadership role in this and must act.

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# CHAPTER THREE

## UNMASKING LAND GRAB: CASE STUDIES.

### BACKGROUND

In the last decade, Africa has witnessed a rush to acquire land resulting in massive numbers of people being evicted from or denied access to their land. Countries are being pushed through bilateral trade agreements and frameworks such as G8 New Alliance for Food Security to change or adopt national land laws to suit private sector investments<sup>17,18</sup>. The dynamics at the national level are further entangled in the various land tenure systems within Africa where land is mainly customarily owned and communally used. The need to redefine these systems to a more 'internationally recognised and formalised' system is threatening the lives and livelihoods of those who are especially most vulnerable such as the rural women who are the primary users of land in Africa. In some cases lives have been lost and the communities offered very little or no compensation at all. This has increased food insecurity, poverty and destruction in social setups<sup>19</sup>. Land is in demand for food for export, fuel, fodder and fibre production, as well as for other purposes such as forestry, mining or tourism facilitated through public financing and policy incentives by African governments, as well as by western governments, donors and multilateral agencies<sup>20</sup>.

There is already some credible evidence that Ghana is not free from this cancerous phenomenon, even though the exact dimension of it is unknown. The challenges of land in Ghana are much more unique and pronounced as the majority of the population survive on land-based activities. Those mostly affected are the women who bear the responsibility for food production for their households. Others are the indigenous communities that are rarely recognised as true owners of their land. The Africa Faith and Justice Network has conducted an action research into a case of land grab involving Herakles Farms in the Volta Region of Ghana. Subsequent to the research, a local advocacy action is now on-going in the area. This initiative was shared at a continental conference on land grab and just governance in Africa held in Nairobi from 22 – 26 November and was attended by representatives from Ghana; the National Catholic Secretariat, Africa Faith and Justice Network and the Centre for Indigenous Knowledge on Development (CIKOD). During the conference, other speculative

<sup>17</sup>Oxfam Briefing Note (Sept. 2013), THE NEW ALLIANCE: A NEW DIRECTION NEEDED Reforming the G8's public-private partnership on agriculture and food security <https://www.oxfam.org/sites/www.oxfam.org/files/bn-new-alliance-new-direction-agriculture-250913-en.pdf>

<sup>18</sup>AFSA & GRAIN (2015), Land and Seed Laws Under Attack; Who is pushing changes in Africa? <https://www.grain.org/article/entries/5121-land-and-seed-laws-under-attack-who-is-pushing-changes-in-africa>

<sup>19</sup>Oxfam Briefing Paper (April 2013), Promises, Power and Poverty; Corporate and deals and rural women in Africa <https://www.oxfam.org/sites/www.oxfam.org/files/bp170-promises-power-poverty-land-women-090413-en.pdf>

<sup>20</sup>ActionAid (2014), The great land heist ; [http://www.actionaid.org/sites/files/actionaid/the\\_great\\_land\\_heist.pdf](http://www.actionaid.org/sites/files/actionaid/the_great_land_heist.pdf)

information about cases of land grab in Ghana was also shared. The Ghana partners at the conference agreed to explore ways of raising the issue of land grab as a national issue in Ghana.

## **Objectives of the study**

- i. To identify some speculative cases of land grab within Ghana
- ii. To undertake a survey to determine the validity of the speculative information about some cases of land grab in other parts of Ghana.
- iii. To organize a national stakeholders forum to share information and possible best practices of partnership in community land utilization from a win-win arrangements.
- iv. To mobilise and strengthen CSO platforms and actors working on community land rights in Ghana.

## **Research Questions**

- I. Which specific locations have land grabbing been taking place? Farms? Forests?
- II. What is the scale (range) of the land deal?
- III. Who is involved in the land deal?
- IV. Was prior information on the land deal shared?
- V. Did the affected parties give their free consent to the deal?
- VI. Which parties are involved in the negotiation process?
- VII. What is the terms of negotiation or payments?
- VIII. Who takes the payment? How much is involved?
- IX. What is the intent for the land? If intent is food production, which types? Staples? Exports? Biofuels?
- X. Does the land deal compromise the local food security? How?
- XI. What are the impacts on the people's livelihoods?
- XII. Are there any ecological impact?

## **Some Definitions of Land Grab**

Land grabbing has been defined differently by various international bodies. Some include;

The International Land Coalition's Tirana Declaration<sup>21</sup> in May 2011 defined land grab as land acquisitions or concessions with one or more of the following:

- violation of human rights, particularly the equal rights of women;

<sup>21</sup> International Land Coalition, (May, 2011), <http://www.landcoalition.org/sites/default/files/documents/resources/tiranadeclaration.pdf>

- not based on free, prior and informed consent of the affected land users;
- not based on a thorough assessment, or are in disregard of social, economic and environmental impacts, including the way they are gendered;
- not based on transparent contracts that specify clear and binding commitments about activities, employment and benefits sharing, and;
- not based on effective democratic planning, independent oversight and meaningful participation.

The La Via Campesina<sup>22</sup> also defines land grab as land acquisitions whereby;

- local communities are denied land for generations
- livelihoods are destroyed
- political space for peasant oriented agricultural policies is reduced or absent
- agribusiness interests and global trade increase
- sustainable peasant agriculture for local and national markets is affected
- ecosystem destruction is accelerated.

Friends of the Earth (FOE)<sup>23</sup> defines land grab as when;

- local communities and individuals lose access to land that they previously used
- livelihoods are threatened
- land is acquired by outside private investors, companies, governments, and national elites.
- communities and individuals are poorly informed of the consequences,
- communities and individuals have little rights to stop the land acquisition.
- land is typically used for commodity crops, including agro-fuels
- proceeds sold on the overseas market to places like Europe
- it is often accompanied by severe environmental degradation, the destruction of healthy ecosystems, water, soil and air.

OXFAM<sup>24</sup> also defines land grab as land deals that;

<sup>22</sup><http://viacampesina.org/downloads/pdf/en/mali-report-2012-en1.pdf>

<sup>23</sup><https://www.foeeurope.org/land-grabbing>

<sup>24</sup><https://www.oxfamamerica.org/take-action/campaign/food-farming-and-hunger/land-grabs/>

- happen without the free, prior, and informed consent of communities;
- often result in farmers being forced from their homes and families left hungry.

Looking at these definitions, there are some similar characteristics that cut through. Based on these characteristics, the following framework was developed to help understand each case study:

- background on the community
- transparency in negotiating the deal
- prior informed consent
- socio economic impacts
- personal testimonies

This is used as a checklist to ascertain whether a land acquisition is a land grab or not.

## **1.0. The Case of Large Scale Land deals in Okumaning**

### **Background on Okumaning and the activities leading to the state acquisition**

The community of Okumaning is some few miles away from Kade; the Kwaebibirem district capital in the Eastern Region. Farming used to be the main occupation but now very few people are into subsistence farming whilst others engage in different trades as sources of livelihood. Most of the farmers in the communities were farming on the land in question and growing food crops such as orange, plantain and cassava as well as oil palm which is a cash crop. According to one Samuel Anim who settled in the village around the 1980s as a young farmer, the land in question was initially acquired by the state under the General Acheampong's regime from the then Okyehene during the 'operation feed yourself'. Out of the 12000 acres acquired by the state, only 3000 acres was developed as an oil palm plantation and named the Ghana Oil Palm Development Company (GOPDC). With this, farmers whose land were part of the state acquired land but not used for the oil palm plantation were still farming on their individual lands growing oil palm trees, plantain, orange, cocoa and other food crops such as cassava, tomatoes and garden eggs.

### **Transparent Contracts about Activities**

After General Acheampong's regime, GOPDC was no more in operation since workers no more received their salaries and thus they left the plantation to seek other forms of livelihoods. This led to a virtual collapse of GOPDC. Farmers returned to their farmlands to farm food crops as well as oil palm.

However in 2011, just before the elections, at the end of Kufuor's tenure, the plantation was sold to a Belgium investor named Vanderbeeck. The family Vanderbeeck became the sole shareholder of GOPDC<sup>25</sup>. Most

<sup>25</sup>Land Justice for West Africa (May, 2016); [http://landjustice4wa.org/gopdc\\_kade\\_ghana/](http://landjustice4wa.org/gopdc_kade_ghana/)

inhabitants do not know the details of this contract. Therefore farmers were advised to leave the farmlands. Farmers tried to resist this land reclamation by demonstrating but this did not yield any success. They then had to let go since the traditional ruler, Okyehene was involved and with the notion that he is the 'land owner', there was no way they could win this fight.

With this new trend, land evaluators were asked to evaluate farmlands in production so that farmers could be compensated. This evaluation was done amidst some corruption, whereby farmers who had not developed some part of their land received compensation for only the land that were in use for food production. Out of the 12000 acres land reclaimed, it can be said that about 3000 acres undeveloped land was uncompensated for. It took a while before farmers got their compensation. Some farmers till date are yet to receive their compensation. Whilst some appreciated the amount paid for compensation, others felt cheated out. Others are said to have lost their lives since they could not bear to see their farmlands being destroyed. Others especially men have also migrated to other communities for 'greener pastures' leaving their wives behind to cater for their children.

### **Prior Informed Consent**

In as much as the community did not know the benefits to be derived from this acquisition and production of oil palm on their land, there has been a rumour that GOPDC is to give an amount of GHC 100 000 (USD 25000) per annum to support community development. According to the then Electrification Committee chairman Samuel Anim, he believed the community has access to electricity due to this communal benefit from GOPDC. Initially there was a 5-member committee put together to see to community development projects. This Committee was made of up representatives from the local community, the palace, the district assembly who was a planning officer, the police and finally the GOPDC. This was to ensure transparency in all transactions. However the local community representative was taken off the committee without any given reason or notification.

So far, the 'visible' community benefits from GOPDC is a nurses' quarters. Even with that the workers for the construction were brought from outside the community.

### **Social and Economic Impacts**

Even though the members of the community did not know what the contract for the land acquisition entails, the community was promised jobs especially for the youth by the Belgium investor Vanderbeeck during the farmer's demonstration. Clearing of the land for production began in 2000 and then in 2002, the cultivation of the oil palm started. Members from the community are employed on contract basis as carriers, harvesters, slashers, loaders, sprayers and security personnel. They work for 6 months and then have to reapply. Some are also hired seasonally and asked to proceed on leave without salary during the dry seasons and are called back when the rains begin. The salary which was based on performance and ranges from GHC 10 – GHC 23 (USD 2.5 – USD 5.725) a day (8am -12 noon). Bonus was however given to workers who worked on



weekends and holidays. Moreover, the company provided health insurance scheme for the workers. Some farmers who lost their land had no other alternative but to be part of the labourers as that was the only way to earn an income to support their family livelihoods. Currently working with GOPDC seems to be the major source of livelihood since there is no cultivation of food crops. Some few are however into subsistence farming and petty trading. They complained that 'our markets are empty and we have to travel to Kasoa in order to even buy Cassava'.

### **The Story of Elizabeth Arthur**

**E**lizabeth Arthur is a divorcee with four children. Her ex-husband lost their nine (9) acres land in the reclamation. Three (3) acres was used for orange plantation whilst the other 6 acres was used in the cultivation on palm. He received a total of 3500 Ghana cedis (USD 850) as compensation for the land reclaimed. She received 500 Ghana Cedis (USD 125) from the husband and he relocated to another community. After she had used up the money, she had to join GOPDC as a casual worker in order to cater for her children. She worked at GOPDC for 13 years until she had an accident that affected her knee. It was almost a year after the accident that the company supported her to go to the hospital. She however goes to the hospital once in a while for an injection at the cost of GHC 50 (USD12.5) to reduce the pain in the knee. It was however too late to be treated and the best option was a knee surgery but there was no one to foot the bill. She is currently walking around with the help of clutches and sells roasted corn (Nkyewie) for survival. *'If we still owned the land, we would not be struggling to feed. Even what to eat now is a problem. We have lost the land for good'*, she laments. She also added that once in a while she is called by GOPDC and given between GHC100 (USD 25) and GHC150 (USD 37.5).



**Elizabeth Arthur** in her walking clutches (Photo by Rose Oppong of CIKOD)

## **2.0. The Case of Large Scale Land Deals by AgDevCo in Babator**

### **Background on Babator Community**

Babator is a farming community in the Bole district (Northern Region) with their livelihoods dependent on farm produce such as yam, cassava, groundnuts, maize, pepper and okro. The community has two farming seasons in a year.

### **Transparency in the AgDevCo Land Deal**

Africa Agriculture Development Company (AgDevCo)<sup>26</sup> is specialised in investment and project development in agriculture companies in sub Saharan Africa. The company has acquired 25000 ha of land for an irrigated farm close to the village of Babator in the Bole/Bamboi District. The project is being implemented in partnership with the Ministry of Food Agriculture. The project is designed to be shared between large, medium and small scale commercial farms. The project will provide irrigated community plots, close to the village of Babator.

The project has been initiated following findings from a preliminary study that indicated that “a small scale commercial rice farmer (in this locality) can earn up to GHC 4,300 (USD 1085) in profit per hectare where proper seeds are used in combination with the current quantity and type of fertilizer and agrochemical” through investment in irrigation and processing. This project is being supported by DfID. The acquired land would be fenced and first steps to clear the area has commenced. Subsequently, AgDevCo was asked by Government of Ghana (GoG) to undertake an extensive analysis at the pre-feasibility level and proposed five potential opportunities to develop profitable businesses capable of furthering economic growth, reducing poverty and enhancing food security in ways both sustainable and inclusive of local farmers. Co-investment for this study was provided by USAID.

At the government's request, AgDevCo plan to develop two commercial farm blocks as public private partnerships in Ghana with co-investment from the United Kingdom Department for International Development (DfID). The aim of these projects is to expand the base of commercial agriculture in Ghana; increase the availability of irrigation, processing and storage for local farmers; and improve rural livelihoods and food security, reducing the need to import staple foods like rice, maize and soya.

### **Prior Informed Consent**

The members of the community are of the knowledge that AgDevCo is a farming company interested in helping them farm all year instead of seasonal farming (twice a year). This is to help improve the economic situation of the community. They are also aware that the land has been leased out to AgDevCo for 50 years. According to members of the community the President of Ghana knows about this project.

<sup>26</sup><http://www.agdevco.com/>

Before the land acquisition, AgDevCo held stakeholder meetings in Babator to inform them of their intentions and strategies. At these meetings, members of the community were informed that the Black Volta will be used as the source for irrigation and community members would be hired to help with the project implementation. Again AgDevCo would allow indigene farmers to join them in production and farmers would be provided with seeds such as rice, maize, millet, soya, guinea corn, groundnuts, beans, cabbage. The community was also educated on effects of climate change on food production such as late rainfalls resulting in droughts. Further, they were informed that AgDevCo would buy produce from farmers who accept to use seeds from AgDevCo to plant and give some monetary benefits to community leaders (chiefs and elders) with the community receiving some communal benefits such as schools, health centres and tarred road would be provided to support the community development

Moreover, the indigenes aside the benefits were also informed about the negative effects such as project attracting deviants such as thieves and rapists, water pollution from use of machineries which would affect fishing and perhaps drinking, noise pollution which might affect hunting. However, they were not informed about any redress to these effects except setting up security systems to check the deviants.

During the negotiation process for the land acquisition, AgDevCo took community members to the AgDevCo demonstration farm in Wenchi (Brong-Ahafo Region). Even though the community has the knowledge and experience in the production of yam, cassava, groundnuts, maize, pepper and okro, it was at the demonstration farm that the community members decided the crops they would like to farm which included soya, millet amongst other new crops.

AgDevCo would start production in early October this year (2016) on about 4000 ha (out of the acquired 25000 ha). This land size includes farmlands and forests. Even though the crops to be produced are yet unknown, the field technician believes they might include rice, soya and millet. Community members are happy about the project. However, they are yet to see the communal benefits even though the community leaders' benefits have been rumoured to have been settled. They had also been informed earlier that no one would be forced to leave their land. However should one refuse to leave his or her land and request for irrigation services, that person would be charged for the services provided. Again if one refused to sow the seeds provided by AgDevCo and rather keep farming using local seeds, the produce will not be bought by AgDevCo. However no individual contract has been drafted yet concerning these issues.

The land size leased out is to be developed in bits/phases. Thus, in the course of expansion, should AgDevCo get to a farmland and the farmer is willing to relocate, AgDevCo will support and help the farmer to relocate.

Seedlings will be freely supplied but the produce will be divided into three and farmer takes two thirds. The farmer can however decide to sell his/her produce to AgDevCo since they would have appropriate storage facilities.

## **Social and Economic Impacts**

AgDevCo promised to settle within the Babator community but it has been noticed that this settlement is being set up at the outskirts of Babator with a barrier. Again the promised road through the community has been diverted. The women have doubts about promised alternative livelihood options such as food vending since the project site is located far from the community.

Moreover, skilled workers are being hired from outside the community whilst few community members are being employed as “pickers” with a daily allowance of GHC 12 (USD 3)



A part of the cleared land to be used for production (Field photo by Rose Oppong, staff of CIKOD)

### **3.0. The Case in Brewaniase<sup>27</sup>**

#### **Background on Brewaniase**

Brewaniase is a town in the Nkwanta South District of Volta Region in Ghana. Agriculture is the main source of livelihood in the District and engages about 90% of the people. Most farmers are involved in Crop farming, Livestock and inland fishing. An average farm size is about 2 acres. Due to the different vegetation types found in the district, various crops such as cassava, yam and oil palm are grown. Brewaniase is known for mainly producing groundnut, rice and cocoa. Land within the district can be highly accessed from the local chiefs and family elders<sup>28</sup>.

#### **Transparency in negotiating the land deal**

Herakle Farms got in touch with a native of the community who took them to meet the chief of Asukawkaw and Tamale Traditional area (Volta Region), Nana Dente Kofi Kuhan. This native did so because he was interested in improving the economic situation of the community as well as providing jobs for the people. Nana initially thought it was a 'small' project so he had in mind to lease out his family land to Herakle Farms only to realise that land owners around his family land have also been asked to lease out their land to increase the land size. The landowners representing the family heads of the family that owned the land (about 89 families) came together to form a committee. They were 15 family heads in total; one family head represented more than one family.

#### **Prior Informed Consent**

The committee of family heads was invited to a hotel in the district capital. They were then given an already prepared lease to sign with a promise of a signing bonus of \$24000 to be shared amongst the land owners. The lease came with promises of;

- jobs for community members
- permanent job positions for family members of land owners
- community library with computers
- water wells
- clinic

The land owners signed the lease agreement for 50 years at the cost of \$5/ha/yr for 3750 hectares of land. This lease was only renewable after 25 years. All these went on without informing the Paramount Chief, Nana

<sup>27</sup>Source: Africa Faith and Justice Network (2014), Land Grabbing in Africa: Herakles Farms' Failed Venture in Brewaniase, Ghana <http://afjn.org/documents/2014/10/afjn-ghana-land-grab-report-2014.pdf>

<sup>28</sup>[http://mofa.gov.gh/site/?page\\_id=1727](http://mofa.gov.gh/site/?page_id=1727)

Odamba. Nana came to know after the agreement has been signed. However Nana Odamba as the custodian was required to sign as a witness to seal the deal. Nana therefore insisted on getting a copy of the lease to study well prior to the signing. He was denied this request so he refused to co-sign the lease on the spot if he cannot have enough time to study the lease agreement. The landowners however pressurized to sign because his action was being misinterpreted as one who does not want the community to develop.

## **Socio and Economic Impacts**

Herakle farms after acquiring the land started an oil palm plantation. Despite the growth in production after four years, the community was facing these challenges;

- Salaries of workers were not paid on time
- Annual payment on land was delayed
- Family members were not given the promised permanent position at the plantation
- Only 5 wells were dug for the community
- 2 desktop computers were given to the community
- No scholarship program
- No clinic built

In 2010, the land owners petitioned Herakle Farms with their grievances. This was after the land owners with the help of a native lawyer from the community read the lease agreement and realized how unjust the lease was. After persistence of the problems, they filed a legal suit against Herakle Farms on the grounds of lack of free, prior and informed consent (FPIC) as well as lack of transparent contracts that specify clear and binding commitments about activities, employment and benefits sharing when their grievances were not addressed.

## **Takeover by Volta Red from Herakle Farms<sup>29</sup>**

Volta Red, a small British Company had initially worked with Herakle Farms to make short term use of their land since very few out-growers (smallholder farmers) were bringing fruit to the mill to be processed. However when Herakle Farms put the plantation on the market, Volta Red won the bid at a reasonable price. In spite of the change in ownership, the payment to landowners remains the same: \$5/ha/year under Volta Red management. This is because according to the Volta Red, a) Government assessors' evaluations and land regulations were followed in the deal and b) Many elderly landowners who do not have the capacity to fully

<sup>29</sup>Source: Africa Faith and Justice Network (2014), Land Grabbing in Africa: Herakles Farms' Failed Venture in Brewaniase, Ghana

utilize their land are happy to lease their land at this reported legal minimum.

In 2014, Volta Red began production using 2050 ha of the acquired 3750 ha. They also use 12ha as nursery for cultivating seedlings which are made available to the local farmers at no cost. Volta Red employs 350 Ghanaians directly. The allowance per day starts from 10 cedis depending on field complexity and productivity. Further about 80% of the field workers are women. Again, Volta Red intends to build a 150 bed workers accommodation with a clinic as well as provide two meals per day for workers on the plantation.

Further, Volta Red reached out to landowners to withdraw the case from court for an amicable out of court settlement. They also agreed to refund the money spent battling Herakles Farms in court. In view of this, parts of the lease are being negotiated. The outcomes from the negotiations are expected to be added as an addendum to the already signed lease with Herakle Farms. Lastly a scholarship scheme has been set up to train 4 girls from the community through high school and provide assistance to find post senior high education.

### **Analysis of the Case Studies**

The above case studies are a reflection of the fact that land is being acquired without following due land acquisition processes. About 90% of members in the community are ignorant of their land rights and the possible negative consequences of the land deals. The only thing they are mostly concerned with are the benefits to be derived since they are only informed that the land acquisition and the business that come along with it will turn their lives around forever. This hope therefore makes them vulnerable and gullible to the promises given. But the question of who the investors are accountable to and who brings them to book should they deviate from the contract still remains unanswered. The case studies show that the so called benefits are not guaranteed and there are no mechanisms for redress should communities find out that they are losing out. The ecological impact of adopting seeds supplied by the external agent is not known but loss of biodiversity has been documented in similar cases elsewhere. The danger that local seeds would eventually get lost out of disuse is real. The loss of local seeds would have serious cultural and social consequences as eventually indigenous seeds needed for some cultural and social ceremonies such as funerals, harvest festivals and others would be lost. This also goes with loss of identity as most ethnic groups in Ghana are associated with specific foods – eg fufu for the Ashanti, Akple for Ewes, Tuo Zaafi for people of northern origin, kenkey for Ga people, etc. This identity will be lost if people have to produce variety of crops of the choice of commercial investor rather than their own choices. On a similar note, as local seeds gradually get extinct, farmers would be completely dependent on foreign companies for their seed needs thereby making communities lose the sovereignty over their seeds. Testimonies from communities confirm most of these negative impacts. Madam Elizabeth confirms the loss of livelihoods as a result of the loss of the family farmland which forced her into a low wage farm labourer on the GOPDC plantation in Okumaning. In Babator skilled labour is being hired from outside the community with doubts about alternative livelihood options that have been promised to

community people. Worst still farmers will have to abandon their own farm-saved seeds for seeds that will be supplied by AgDevCo.

## **Recommendations**

Based on this analysis, a number of actions may be taken to address land grab cases in Ghana. First there is need to raise the awareness of communities on the dimensions of land grabbing within communities as well as educate members of communities on their land rights. To empower communities to be able to engage with external investors on their land and natural resources, they should be supported to develop land use tools such as the Bio Cultural Protocol (BCP) tool in communities to help check use of resources and ensure fair benefit sharing. The BCP is a tool that allows communities to document their customary land tenure rights to their land and natural resources, takes into consideration national laws and policies that support community rights to their land and international protocols to which the country has signed that provides considerations for community land ownership. Contracts of land acquisitions that the government is involved should be made accessible and open to the community.



# CHAPTER FOUR

## EMPOWERING COMMUNITIES TO ADDRESS LAND GRABBING IN AFRICA – LESSONS FROM GHANA

### Introduction

Chapters 1-3 have outlined the phenomenon of land grabbing and the impacts on communities in Ghana. The focus was on grabbing as seen from the point of view of the Catholic Church. This chapter seeks to showcase an example of strategies that some land advocates have adopted in an effort to empower communities to effectively engage investors that want to undertake in large scale land deals in Africa. The expectation is that this will provide some lessons for the work of the church on its commitment to address the land grab menace in Africa.

Globally, investors and companies are actively seeking and acquiring large areas of land for logging, mining, and agribusiness ventures. Many of the regions that they target are the territories of rural, indigenous, pastoralist, nomadic, and/or forest-dwelling communities. Large-scale land acquisitions are also disproportionately concentrated in countries with weak legal protections for customary or indigenous rights to land and natural resources<sup>30</sup>. In response, national and international advocacy organizations are stepping forward to provide support to the communities in engagements with investors, often with a focus on ensuring adherence to international laws and human rights principles such as the right to free, prior, informed consent (FPIC)<sup>31</sup>.

African advocates who are empowering communities in engagements on land transactions with investors have highlighted the following five major challenges<sup>32</sup>.

First, failure of the national legal system to recognize community ownership of traditional lands and natural resources. Often community lands and resources are considered to be owned by the State and can be disposed of by the State without the community's knowledge or free, prior, and informed consent. Communities must often fight for investors and government officials to recognize their rights to their lands and resources. In some contexts, particularly in nations where community lands are technically "owned" by the state, or in instances of mineral extraction (where the rights to sub-surface minerals are held by the State), investors and governments may fail to consult communities, seek their consent to the investment, or engage them in the investment negotiation process. As a result, the rights, interests and concerns of affected

<sup>30</sup> Arezki, Rabah, Deininger, Klaus and Selod, Harris. 2012. "Global Land Rush." *Finance and Development* 49: 46–49

<sup>31</sup> United National Declaration of the Rights of Indigenous Peoples (UNDRIP) articles 10, 11, 19, 29, 30 and 32.

<sup>32</sup> Booker, Stephanie, Knight, Rachael and Brinkhurst, Marena (Eds.). 2015. *Protecting Community Lands & Resources in Africa: Grassroots Advocates' Strategies & Lessons*. Natural Justice and Namati

communities are often disregarded. Secondly, a lack of genuine engagement between investors, government and communities. Often community-investor engagements are located in meeting rooms far from the affected communities, obscured with legal and technical processes, and limited to the scope of what the investor seeks to discuss. Such lack of engagement is often due to: lack of investor will, condoned implicitly or explicitly by governments; lack of investors' experience and expertise in fulfilling consultation and consent obligations; language barriers; the use of illegal or inadequate methods to obtain “community” consent or fulfil consultation obligations; disrespect of communities' internal decision-making processes; and a lack of sufficient national standards for what constitutes 'good' relations between investors and communities or fair and equitable agreements.

Thirdly, power and information asymmetries. Power asymmetries between communities and investors impact every aspect of engagements. Communities are rarely informed of the investment's projected profits or levels of investment, the potential environmental impacts of the project, or the company's track record in other communities and other nations. Indeed, communities who agree to share their land with investors are often not adequately informed about the market value of their customary lands, the total size of their territory, or exactly what lands they are agreeing to cede. Lawyers and other advocates are rarely present to represent the community's interests and ensure that communities have been consulted and that terms of agreement are fair. As a result, communities may consent to investment projects that vastly undervalue the amount of rent the community will receive for the use of their lands, or that will have significant negative environmental and health impacts and undermine local livelihoods. Indeed, investors frequently secure land concession contracts that include little to no rental payments, minimal environmental protection measures, and do not address the impacted communities' livelihood and health concerns.

Fourthly, investors often seek only the consent of leaders rather than the actual community itself, avoiding full and authentic community consultation. In other cases, leaders or a small group of community members may feel intimidated or forced into signing agreements without the broad participation of all community members. Secretive negotiations between investors and community leaders create opportunities for bribery and corruption. Investors or their agents may try to manipulate or intimidate community leaders with threats or by presenting their proposal as the 'only way' that the community will develop economically, putting pressure on leaders to 'do what's best' for their community without creating an opportunity for community members to actually participate in the decision.

Finally, the backlash against advocates as “anti-development.” Community members or organizations that seek transparent dealings and community-investor dialogue – or who oppose investment projects – are often labelled as “anti-development” and persecuted or threatened on the basis that they are impeding the “national interest.”

In the case studies presented earlier, communities and land advocates were faced with all these challenges. In this chapter we illustrate the courage and creativity of the Center for Indigenous knowledge and

Organizational development (CIKOD) when they were faced with these and other challenges that came from land concessions given to an Australian mining company (Azuma Resources) by the Ghana Government to prospect for gold in the Tanchara and other communities in the Upper West Region without the prior informed consent of community people. The chapter provides a case study of how CIKOD supported the Tanchara community, a small community located in the Upper West Region of Ghana, to successfully develop and use a BCP to prevent Azuma Resources from prospecting for gold on community lands without their consent. It is meant to provide lessons that advocates may leverage when supporting communities facing large- and medium-scale investments on their lands.

### **Community Biocultural Protocol as a tool for community empowerment against land Grabbing – The Case of Tanchara in the Upper West Region of Ghana.**

The Tanchara community is a small local community located in Lawra, in the Upper West Region of Ghana, along the border with Burkina Faso. The Tanchara community consists of approximately 3,800 people governed by intricate traditional governance structures consisting of the Chief (male traditional leader), the Pognaa (the female equivalent), and the Tingansob (spiritual leadership)<sup>33</sup>. The landscape in Tanchara contains fruit and nut trees (including shea), small farms, and sacred groves that are preserved by the community because of cultural and spiritual significance as well as the abundance of medicinal plants<sup>34</sup>. The entire village is ecologically fragile, with low rainfall and low soil fertility. Communities are heavily dependent on their land for their livelihoods. When CIKOD began working with the Tanchara in 2003, the goal of the community and its traditional leaders was to strengthen their capacity to respond to the challenges created by mining activity in the region, and to do so using the community's own internal resources. As in many countries around the world, engagements between mining companies and communities in Ghana are often unequal. Oftentimes mining companies will only engage with government officials, excluding communities and their indigenous institutions. Over the last decade, the Government of Ghana has continued to allocate foreign mining companies licenses to prospect for gold in the Upper West Region of the country without the consultation with, or consent by local communities who have traditionally owned, occupied, and used these lands. The situation in Tanchara was no different: In 2004, the Ghanaian Government granted the Australian mining company; Azumah Resources Limited rights to prospect for gold in Tanchara, in the Upper West Region of Ghana, without consultation with or consent by the communities in the area. The grant of prospecting rights caused an influx of illegal miners into the area, whose activities then resulted in water pollution, partial destruction of some of the community's sacred groves, and the creation of large, uncovered pits that caused deaths in the community.

<sup>33</sup>Tanchara Community Institutional Resource Mapping and Economic Baseline Survey, June, 2007

<sup>34</sup>Guri Yangmaadome, Bernard, Banuoko Faabelangne, Daniel, Kanchebe Derbile, Emmanuel, Hiemstra, Wim and Verschuuren, Bas (2012), "Sacred groves versus gold mines: biocultural community protocols in Ghana" in Biodiversity and culture: exploring community protocols, rights and consent (PLA 65).

## **CIKOD's work with the Tanchara Community to develop and use the BCP**

CIKOD began working with the Tanchara community in 2003, piloting a number of endogenous development tools aimed at strengthening the capacity of the community to organise and make decisions about the governance of its natural resources for the benefit of the community and future generations. Endogenous development is a strength based approach to development that builds on the indigenous institutions, knowledge and resource of the community but interfacing with appropriate external knowledge and resources. It is development that respects the culture and worldviews of the community.

Communities are dynamic and diverse, which means that building community capacity takes an extended period of time. In the context of the prospective mining project in Tanchara, CIKOD sought to support the community to identify and use its own instructions, knowledge, internal resources to protect and conserve its lands and environment. To achieve this, CIKOD applied its Community Organizational Development (COD) approach, to build internal capacity to deal with the mining threat. COD is made up of a number of tools developed by CIKOD to facilitate a communities' endogenous development. These tools include the following:

- v Mapping of community institutions and resources
- v Community visioning and action planning
- v Community organizational self-assessment
- v Community institutional strengthening
- v Community Health Impact Assessment
- v Bicultural Community Protocol
- v Learning, sharing and assessment
- v Using festival and traditional forums for community dialogue with power bearers

The COD approach requires staff to undertake an internal, reflective, learning process so as to better understand their and the community's worldviews. Before beginning work in the community, CIKOD staff began by discussing their own views of endogenous development and how to work within the worldviews of each community. After ensuring staff alignment with authentic community-driven action, CIKOD then engaged in series of meetings with traditional chiefs and elders in Tanchara in order to discuss the impending challenges, the endogenous development approach and, after sharing information, gaining the consent of the chiefs and elders to work in the community.

With the chiefs and elders' consent, CIKOD began training a community-selected team of representatives. This team conducted an initial mapping of formal and informal institutions, assets, and resources within the community as a way to identify the entry points within the community to propel community development. CIKOD trained the team to use the COD tools, via focus group discussions and role play with cross-sections of the community.

Once trained, the team then engaged in a process of gathering information on the community's institutions and resources, through the Community Institutional Resource Mapping (CIRM) process with members of the larger community, enabling community members to collect the research data for themselves. The CIRM recorded a variety of different but equally important community resources – natural resources as well as cultural, social and spiritual resources. The information was depicted through hand-drawn maps, notes taken during interviews, and video. Once compiled, this information was verified at community meetings. This process gave community members the opportunity to identify their own land and other natural resources, encouraging a greater appreciation of what they already had (as opposed to a focus on what they lacked) and motivating community members to want to protect and conserve the assets that make their community unique and strong.

It was during these initial meetings that members of the Tanchara community first raised the issue of foreigners coming into their community and marking trees with red ribbons, searching for gold. This revelation was a surprise to both CIKOD and the rest of the community, and whilst gold mining was not the initial focus of this endogenous development work, the issue of gold mining as an opportunity and a threat was soon propelled to the forefront of community discussions.

With their community resources in mind, the community then engaged in a process of visioning. This process reflected on: where the community was 10 years ago and what resources it used; the community in the present; and a vision for the community in the next 10 years. CIKOD facilitators recorded responses and prepared a vision statement based on the discussion. The community then engaged in developing community vision and action plans. The planning process included: discussions on the resources needed; identification of key catalysts; and setting out key responsibilities, time frames, and priorities. The process supported the community to direct its efforts towards its own development, using the resources that the community had identified during the CIRM process. The community then drafted a community contract to commit to and remind the community of their plan<sup>35</sup>. Community by-laws were also developed to further some of the community's goals.

Despite Azumah having a license to prospect in Tanchara from 2004, it was not until 2006 that the Tanchara

<sup>35</sup>Guri Yangmaadome, Bernard, Banuoko Faabelangne, Daniel, Kanchebe Derbile, Emmanuel, Hiemstra, Wim and Verschuuren, Bas (2012), "Sacred groves versus gold mines: biocultural community protocols in Ghana" in *Biodiversity and culture: exploring community protocols, rights and consent* (PLA 65), 124.

community formally became aware of Azumah's intentions to prospect (through a newsletter sent to the District Assembly in Wa). When Tanchara learned of Azumah's plans, spiritual leaders in the community - equipped with a greater understanding of the community's own skills, resources, and vision for endogenous development and greater information about the influx of illegal miners in the area - articulated their concerns about environmental destruction by mining by releasing a statement that demanded that government "safeguard their sacred groves and sites from both legal and illegal mining."<sup>36</sup> This first public step from Tanchara's spiritual leaders created momentum within the traditional leadership structures in the community, who then continued to articulate the community's position opposing mining, using the skills and information supported by their work with CIKOD.

In particular, CIKOD and the Tanchara community found it helpful that there were regional and international human and environmental rights obligations with which they could arm themselves to support their position. In particular, the ECOWAS Mining Directive C/DIR.3/05/09 articulates a commitment to the free, prior and informed consent of communities<sup>37</sup>. The community's bargaining power was also strengthened by their strong, united vision, an awareness of how mining had affected, or was likely to affect, their community, and knowledge of the law that supported their right to say "NO".

From 2007 onward, CIKOD supported Tanchara to assess the likely impacts of gold mining on their community health and well-being by using a Community-Driven Health Impact Assessment Tool (CHIAT). The CHIAT process began with community evaluations of the current and likely impacts of mining on all aspects of what the community identified as 'well-being'. Positive and negative tangible impacts on land and infrastructure were assessed, as well as positive and negative intangible impacts on well-being, including spiritual impacts. CIKOD and the Tanchara community later used the findings of their CHIAT to respond to external actors and an environmental impact assessment of mining projects.

Community representatives first directly engaged Azumah at a regional forum on gold mining in 2010. At this forum, community leaders shared their community's concerns about the impact of mining on the community's short, medium and long-term objectives and wellbeing, based on the outcomes of the CHIAT<sup>38</sup>. Whilst Azumah heard community concerns, they did not respond.

On another occasion, the results of the community's CHIAT were used to dispute findings in the scoping report of an environmental impact statement (EIS) lodged by Azumah with the Ghanaian Environmental Protection Agency (EPA). The process of disputing the scoping report drew the EPA's attention to the small number of stakeholders that Azumah had proposed to consult with. The Tanchara community's protests

<sup>36</sup>Stephanie Booker, Jael E. Makagon, Johanna von Braun, with Daniel Banuoku and Hadija Ernst, "Community Protocols: A Bottom Up Approach to Community Participation" Prepared for the 3rd UNITAR-Yale Conference on Environmental Governance and Democracy, 5-7 September 2014, New Haven, USA

<sup>37</sup>See Article 16(3); Booker et al, p.6.

<sup>38</sup>Guri et al. 2012, 126

resulted in Azumah expanding stakeholder consultations on gold mining to include both CIKOD and the Tanchara community. During these stakeholder consultations with Azumah, the community voiced their opposition to gold mining in the region but again concerns were inadequately addressed.

Given the lack of meaningful dialogue between the community and Azumah, the community took many opportunities to voice their concern about mining in the region, regardless of whether Azumah representatives were present. On several occasions, CIKOD and the community used the outcomes of the CHIAT tool to inform discussions at community workshops and meetings, attended by local government officials<sup>39</sup>.

In 2011, the information collated from the endogenous development tools used by Tanchara informed the development of the Tanchara Biocultural Community Protocol (BCP). The Tanchara BCP was developed as a tool to aid dialogue with external actors. It became a document that articulated the community's governance structures and decision-making procedures, the concerns it had with possible loss or destruction of their land through mining, its relationship with natural resources such as its sacred groves, and the national, regional and international laws that supported the protection of the community and its land. It was during this process of putting together the BCP that CIKOD, with an external researcher, supported the community to engage in a number of multi-stakeholder processes. These multi-stakeholder processes sought to examine the usefulness of the BCP as a tool for engagement with external actors such as government officials and Azumah Resource Company. During this time, the community had meetings with a number of different external actors, including government departments, and various stakeholders within the community. Despite being invited to a number of meetings with community representatives, Azumah Resource Company failed to attend. Nevertheless, the multi-stakeholder meetings demonstrated that the BCP is a powerful tool for the Tanchara community to present a unified position during negotiations regarding mining projects in their territory.

In 2013, Azumah finally met with representatives of the Tanchara community where the Tanchara BCP was presented and discussed with the Azumah Resource Company. The Tanchara BCP set out the community's traditional terms of engagement, decision making structures, concerns about mining and the national, regional and international laws that supported the respect of their traditional institutions, customs and their right to say "no". Tanchara community representatives asked the company to respect the terms of engagement provided in the BCP document. Since this time, Azumah has not approached the Tanchara community.

Over time, CIKOD's work with Tanchara bore fruit. As a result of the community's strong mobilization and advocacy against mining there have been continual postponements of mining activities by Azumah. Indeed, Azumah has not approached the community since those initial stakeholder consultations associated with the Environmental Impact Statement. As of June 2015, Azumah has not started prospecting in the Tanchara

<sup>39</sup>Guri et al. 2012, 126

community. They are still awaiting licenses for mining and the processes have been significantly delayed for a number of years. The traditional leadership of Tanchara, together with the community, instituted yearly meetings to reflect on their actions plans and to map their progress. The community has continued to present their vision and plans to external agencies, including government officials and development agencies. Members of the community are now far more organized and empowered to respond to the threats imposed by both legal and illegal mining. They are also much more aware of their community's strengths, assets, and resources and have strengthened their commitment to conserve their cultural heritage, sacred groves and community way of life. Other positive outcomes of CIKOD's work with the Tanchara community include:

- » The Tanchara community's Biocultural Community Protocol process allowed the community an opportunity to articulate their governance structures and decision-making procedures to external actors, and to adapt them in the light of emerging threats. This has increased the legitimacy of these traditional structures to represent the community and has also ensured that customary laws regarding engagement are adhered to.
- » The CHIAT process increased community awareness as to the potential positive and negative impacts of mining on the community. It also assisted the community to challenge the findings of an external environmental impact assessment because the process prepared the community to raise issues that were not included in the original impact assessment.
- » The development of a community vision and corresponding action plan strengthened the community's sense of urgency in shaping their own future. Sometimes when mining projects are introduced in to communities, community members are given very little choice to stop such activities and so often become passive recipients of such activities. However, having engaged in these participatory development tools beforehand, the Tanchara community strengthened their belief in their own choice to say “no” to projects like mining – or “yes” if they determine that the project will improve their community's well-being and will progress on their own terms.

### **Why did this strategy work?**

Investor and community interactions are usually characterized by a highly-resourced investor on the one side and a poorly-resourced, sometimes divided community on the other. To strengthen a community's position in negotiations with investors, it is important for the community to mobilize itself, decide on a united stance, and develop a strong and clear vision for the future. From this unified and informed foundation, a community can more meaningfully evaluate whether a proposed project fits into their vision for their community's future.

CIKOD's work in Tanchara created space for the community to come together and discuss issues impacting them. It also created opportunities for engagement between community stakeholders, traditional authorities and external authorities. Most essential though, CIKOD's work supported the community to prepare



themselves for engagements with external actors such as Azumah Resource Company. The combination of endogenous development tools and the BCP process helped the community to solidify a united vision for the future and empowered them to articulate that vision and the way that they wished to engage with external stakeholders. CIKOD's work with the Tanchara community was critical to the community's ability to mobilise and to articulate and defend their rights<sup>40</sup>.

Given the successful delay of mining activities in Tanchara and the growing threat of prospecting in neighbouring communities in the Upper West region of Ghana, CIKOD has used the momentum gathered through its work to mobilise other communities likely to be affected by mining across the entire region. The establishment of the Upper West Coalition on Mining with other Ghanaian partners has substantially increased the support available to rural communities advocating against mining projects. The building of this regional, grassroots coalition has amplified community concerns on mining and has increased the legitimacy of community complaints. Now, traditional leaders from across the Upper West Region are demanding greater transparency and accountability in the issuance of prospecting and mining licenses in the region. This is particularly important at the moment, as 28 licenses for prospecting have been issued across the Upper West Region in the last few years.

## **Lessons for Land Advocacy Organizations**

Lessons were learnt on dealing with community/investor power relations as well as strategies toward government actors and agencies at different levels:

### **At the Local Level:**

- » Before investors arrive, build communities' capacities to successfully and effectively engage with investors by raising awareness of free, prior, and informed consent (FPIC), documenting community lands and resource uses, and developing clear community rules for land and natural resource management.
- » Create forums in which community members can discuss and revive their cultural values, then articulate and pursue development paths appropriate to their culture. As part of this effort, support communities to create a united vision for the future and empower them to articulate that vision and the way that they wish to engage with external stakeholders.
- » Establish “early warning systems” to report investor interest or violations of human rights or environmental protections. Encourage communities to monitor investor activity and plan for engagements proactively. Create simple, accessible ways for communities to report violations of human and environmental rights to NGOs, lawyers and other organisations supporting communities who can then act quickly.

<sup>40</sup>Booker et al (2014), p.8.

- » Support communities to form or strengthen local land and natural resource governance institutions that can act on the community's behalf when advocating with company or government representatives.
- » Conduct research on the socio-economic returns of conserving community forests and natural resources compared with allocating it to investors for agricultural investment, including grassroots valuation of current community uses of lands and natural resources, and then use the information in negotiations or in evidence-based advocacy.
- » Continually monitor the progress of projects, including impacts on the environment and other impacts (such as health impacts, improvements or degradation of the quality of life, population impacts etc.). Produce community-led Environmental Impact Assessments and Social Impact Assessments, or seek neutral external experts to undertake impact assessments that authentically reflect potential impacts.
- » Support community women to identify and document the impacts of the proposed or existing investment on their health, wellness and livelihoods, as well as creating an intervention strategy. Actively empower women to participate in decisions that affect their lives and well-being.
- » Build direct connections with community members, not only leaders. Make sure to speak with and include representatives from every group and household, so as to have a full understanding of the concerns and needs of all community members and to ensure that advocates receive frequent and more representative updates on a community's situation. Check regularly with a variety of diverse community contacts for updates on what is happening in the community.

### **At the National Level:**

- » Develop guidelines for how investors should consult/work with communities, then encourage government to adopt these for any proposed investments across the country.
- » Leverage existing national laws that protect community land rights laws, including the Constitution. If such rights do not yet exist, advocate for national laws that make community consultation mandatory before the government can grant concessions. Support the capacity of law enforcement and justice organizations to follow laws on communal land and natural resources. Consider using (or threatening) litigation if national laws have been violated.
- » Use networks with government officials, other organizations, or internal staff skills and resources to collect information on the proposed project, such as project plans, mining, water or other project licenses. Put pressure on governments for transparency and engagement. Encourage government to follow international initiatives supporting these principles such as Extractive Industries Transparency Initiative.
- » Identify supporters in government and actively encourage their advocacy efforts on behalf of community rights and interests. Empowering or creating awareness in the local community is not sufficient – it is

necessary to engage with investors and government officials to identify, prevent or mitigate potential damages that may result from proposed projects.

- » Seek allies in other local and national organizations that have used existing laws successfully to protect community rights to land and natural resources.

### **At the international Level:**

- » Identify and leverage relevant rights and standards in regional and international law and guidelines. Rights to consent, consultation, land and natural resource rights may be found in a range of regional and international legal frameworks. Advocates may leverage mechanisms that can issue binding judgements on national governments. Explore opportunities for remedy and advocacy such as the African Commission Working Group on Extractive Industries.
- » Hold the government of the company's home country accountable to international obligations. This may be done by drafting statements and letters to the company/investor, government, or, where possible and safe to do so, to the media to highlight alleged violations of rights. Some legal frameworks provide an opportunity to lodge a complaint, a process which may be used as leverage to pressure the company to engage. Some avenues for advocacy or complaint include: the UN Guiding Principles, UN Human Rights and Transnational Corporations, UN Declaration on the Rights of Indigenous Peoples, and UN Special Rapporteur on Human Rights Defenders.
- » Check whether the company or investor is registered in an OECD member country, has signed up to the Equator Principles or is funded by the World Bank Group or other international or regional banks. These organizations have standards and guidelines that contain references to meaningful consultation and consent. Many international mechanisms include non-judicial remedies that can be used to complain if rights, standards or guidelines have been
- » Engage with other NGOs and communities around the world facing similar issues or struggles with the same company to share information, coordinate strategy, and build a coalition. Identify and connect with NGOs, law firms or government bodies that are interested in challenging the legal violations of international companies. For example, OECD Watch is interested in receiving information on alleged violations of the OECD Guidelines on Multinational Enterprises.

### **With companies:**

- » Shift the power dynamics of the relationship by setting the terms of community-investor engagement. Be proactive and explain to external actors how they are expected to engage with the community. Terms could include reliance on customary law rather than state law, or assertion that the full community must be convened and consulted. Some communities have used their community by-laws and/or Biocultural

Community Protocol to put external actors on notice as to correct community entry and consultation procedures, as well as the appropriate time needed for the community to research any investment proposal before making a decision.

- » Investigate who invests in the company, where it is registered and whether the company must adhere to additional standards or guidelines. Leverage companies' desire to look good to shareholders, or in global rankings - research and document the impacts of the company's activities on community health, wellness and the environment, and publish these impacts to the company, its board, and shareholders.
- » Obtain copies of contracts and challenge any unfair clauses. Investigate a company's own 'Community Engagement Standards' or Corporate Social Responsibility policies and leverage these to encourage company adherence - be prepared to quote their standards back to them.
- » Support communities to secure binding agreements with investors so that legal action can be taken if they are not respected.

# CHAPTER FIVE

## POLICY CONSIDERATIONS AND RECOMMENDATIONS

The adoption of the Sustainable Development Goals (SDGs) as the global new framework for development has taught us profound lessons about how development ought to be done and the need for a change in mind-set. There is now a realization and acceptance, for instance, that national gross domestic product (GDP) and statistical averages for development indicators do not tell a country's full story. Humanity has now been awakened to the fact that the planet is a public good that needs protection by all for this and future generations. There are significant trade-offs in pursuing any development option or agenda over another, if synergies are not deliberately established through policy coherence. For instance, addressing hunger without serious consideration for nutrition can leave behind scars of grave health conditions and impact negatively on education in the long-run. Pursuing some options of sustainable energy sources may also result in large-scale environmental damage.

Land management and utilization is also beset with such complexities and trade-offs. Take a case of indigenes who are the most likely victims of land grab paradoxically and wilfully aiding the process by acting as agents of outsider interests. These call for serious dialogue and negotiations to agree on mitigating mechanisms. We hope this piece of work will open avenues for dialogue for this purpose. We propose to begin the conversation by putting forward some policy considerations in the following paragraphs.

As Church, we think that Pope Francis has provided moral ground, compass and a road-map for both personal and policy reform that are significantly relevant to this discourse; through his Encyclical Letter – ***Laudato Si'***<sup>41</sup>. Chapter two of this research report has amply outlined this in the context of the situation of land grab and how humanity ought to respond. A focussed and systematic programme of dissemination of the Encyclical, especially among young people must be considered by the Ghana Catholic Bishops' Conference. This can even be done in cooperation with Government Agencies, as the Encyclical Letter is addressed to all people of good will. The programme can also be integrated with various University chaplaincies. At its May, 2016 Plenary Session held in Accra, the Catholic bishops of Ghana resolved to tackle the issue of land grabbing and land grabbers/destroyers head-on in close collaboration with relevant state institutions responsible for that sector (see Chapter Two). Their decision is partly the motivation for this research and dialogue forum. An important lesson from chapter two of this report is that the Church can also continue to build on the advocacy work and messages that influenced the adoption of the CoP 21 Climate Agreement in Paris and to ensure that the Agreement is implemented at the national level. Caritas Ghana, as part of the global Caritas Confederation's work on the SDGs, could continue to highlight the negative impact of land grab to the

<sup>41</sup>Francis Pope (2015). Encyclical Letter, *Laudato Si*, On Care for Our Common Home, Vatican, Rome

attainment of some critical SDGs like goals 1 on ending poverty, 2 on zero hunger, 12 on responsible consumption and production, 15 on life on land, and 16 on peace and justice.

We think that the promotion of community and individual livelihoods should be the primary consideration for our national development agenda. Land is the God-given resource for every community for both livelihood and habitat. There is need for policy articulation and surveillance that guarantees livelihoods at all times. There is the need for space for reviewing the different and on-going programmes and actions for promoting community and individual livelihoods. Diverse stakeholders' interests come to play here, including state, corporate, traditional authorities, civil society and communities. We are aware that there exist various guidelines for large scale land acquisition which needs to be relooked at to reflect the promotion of community livelihoods rather than supporting easy access to land for investors. For instance, as a policy such guidelines should include mechanisms for empowering communities to be able to demand prior informed consent from external investors and how to seek redress where investors deviate from the guidelines. The questions raised in the background chapter one are also particularly important here: whether land owners are getting fair deals from these land conversions; who participates in the transactions, and why is prime agricultural land taken for other uses.

Large scale land acquisition by external actors, sometimes facilitated by local agents, has a high risk of displacement of people and other biodiversity from their original habitats. This can have grave consequences on fundamental human rights and climate change. This is an important area for policy consideration, planning, programme development and regulatory mechanisms. The implications on local and national food security and ecology cannot be overlooked. That is why the possible dimensions of actions proposed here is relevant at all levels; but even more so at the local government level where people are more directly reached by policies and programmes. The case studies reviewed have shown that political actors at the District Assemblies are either ill-informed about this connectivity of the issue or remain aloof.

In some parts of Ghana, land ownership and utilization is a major cause of misunderstanding and conflicts between and among communities. The issue of land grab can accentuate the situation which can lead to social destabilization and its attendant huge constrain on national economy to manage and keep the peace. Chapter three on the case studies have confirmed this grave concern which is showing early signs in the affected communities and yet these situations were either not anticipated or have been ignored. We are concerned that there can be more adequate mechanisms to safeguard this.

We cannot conclude this section on policy considerations without drawing from the wise counsel of Pope Francis in his Encyclical – ***Laudato Si'*<sup>42</sup> (139): 'We are faced not with two separate crises, one environmental and the other social, but rather with one complex crises which is both social and environmental . Strategies for a solution demand an integrated approach to combating**

<sup>42</sup>Ibid, Paragraph 139

***poverty, restoring dignity to the excluded and at the same time protecting nature'***. Land is a very important component of nature which is why the suggestion of Pope Francis is apt in this context. Besides, one significant difference between the Sustainable Development Goals (SDGs) and the erstwhile Millennium Development Goals (MDGs) is the former's attempts to balance the three dimensions of development, which are economic, social and environmental; while the MDGs focussed heavily on important issues of social development. The adoption of the Sustainable Development Goals (SDGs) as the global new framework for development has thought us profound lessons about how development ought to be done and the need for a change in mind-set. There is now a realization and acceptance, for instance, that national gross domestic product (GDP) and statistical averages for development indicators do not tell a country's full story. Humanity has now been awakened to the fact that the planet is a public good that needs protection by all for this and future generations. There are significant trade-offs in pursuing any development option or agenda over another, if synergies are not deliberately established through policy coherence. For instance, addressing hunger without serious consideration for nutrition can leave behind scars of grave health conditions and impact negatively on education in the long-run. Pursuing some options of sustainable energy sources may also result in large-scale environmental damage.

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 [www.caritas-ghana.org](http://www.caritas-ghana.org)  
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[dhdncs@gmail.com](mailto:dhdncs@gmail.com)  
[dhd.ncs@cbcgha.org](mailto:dhd.ncs@cbcgha.org)  
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