

***When “best practice” is not good enough: How gendered power relations shape the implementation of a LSLA in Ghana***

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I would like to start this talk with giving you a quick overview of the different research projects I am involved in, before saying a few words about my methodology and then outlining some of my results.

**Research Funding**

My PHD is financed by three different research projects, all broadly interested in the impacts of LSLA on gender equality and food security. I am now in the second year of my PHD. The first two years of my research are funded by the Swiss Network for International Studies under a project that aims to compare Ghana and Peru. The main research questions of this projects is: “What are the impacts of LSLA on local food systems from a gender perspective?”

Today, however, I want to talk less about the food system and more about the implementation process of the land acquisition, the particular role customary leaders played in this process and the various exclusions and inclusions the investment created.

Under the current research project I spent 5 months in Ghana, engaging in participant observation, as well as conducting various group discussions, expert interviews and semi-structured interviews with women and men affected differently by the investment.

I would now like to start my presentation by outlining the land tenure system in my case study region and then showing up how the investors operate within this customary system, which turns out to be very mutually beneficial for both chiefs and investors.

**Land rights**

Ghana subject to many large-scale land acquisitions since 2008. The Land Matrix currently counts 33 land deals since 2008, covering about 33’000 ha, although it is likely to be much more.

About 80% of land in Ghana is under customary land tenure, meaning that it is directly regulated by customary authorities in the form of chiefs or family heads. This has meant that investors have often approached customary authorities directly for the acquisition of land, often bypassing government authorities.

This has also more or less happened in my case, even though state authorities have had an interest in portraying the acquisition as a government initiative, since it is in line with the government’s agricultural policy.

The investment I looked at is located in the South Tongu district in Ghana’s Volta Region. Within the South Tongu district, there are 5 Traditional Area organized along their own customary rules and regulations.

The main traditional area of interest to my study is the Fievie Traditional Area, where the major part of the investment is located. All land in the area belongs to families, represented by their male family heads, who execute most rights usually associated with ownership of land. However, only the Paramount Chief, his Stoolfather (advisor), the Paramount Queen Mother and the heads of the four clans can take any major land-related decisions, such as granting large land leases, which should however be done in consultation with the family heads and elders.

Land within families is generally inherited through the male line and women often lose access to their fathers land once they get married. In case of divorce or death of their husband, they also lose access to their husbands land, as it reverts back to his family, often leaving women and children destitute.

Decision-making within the structures of chieftancy and families is very male-dominated. While women are allowed to attend community meetings, which are regularly held to discuss matters of interest to the Fievie state, important decisions are still often made by a few male elders without involving any women, not even the Queen Mother. This was also the case with the GADCO investment that I will turn to in a moment.

Focus of the appropriation on those lands least protected by customary tenure: lands used as commons, as well as land used by a settler community. I want to say a few words about the rules governing these types of land under customary tenure before going on to speak about the investment.

Large parts of land within the Fievie Traditional area serve as commons. These are important for cattle rearing, fishponds and collection of fuel wood, wild fruit as well as seasonal agriculture. Women in particular are heavily dependent on these commons for the collection and sale of fuel wood, which is one of the main income-generating activities of local women.

While these lands also belong to individual families, they have been allocated by the Paramourcy specifically for cattle rearing many generations ago and two settlements inhabited by cattle rearers were established on these lands.

The other land targeted by the investment, where those used by Bakpa settlers. Bakpa Trad. Area is originally located in North Tongu across the Volta River. However due to severe flooding in the 1960s, several communities were resettled to the South Tongu Districts. Fievie see themselves as the rightful owners and thus see the Bakpa people as „settlers“ or „migrants“ on their land with only use rights to the land. In 2008 Fievie leased out large tracts of Bakpa land to an Israeli investor, which resulted in an ongoing court case. Again in 2011, Fievie leased out large tracts of Bakpa used farmland to the Ghana Agro-Development company, which I will turn to now.

### **Investment modalities**

Ghana Agro-Development Company GADCO has been set up in 2011 by a Nigerian investment banker and his Indian partner and receives its funding from an international board of investors. They grow rice for the national market.

I chose this particular case study, because it has been described as “Best practice” by various newspaper articles inside and outside of Ghana, as well as a UNDP Report. Furthermore, the company devotes quite a bit of space on their website to praising their effects on sustainability and women’s empowerment, which made me curious.

They have leased app. 2000 ha for 50 years from the Fievie traditional authorities (850 ha under cultivation).

Newspaper coverage has picked up particularly on their Community-Private-Partnership (CPP) model, whereby the company has received the land in exchange for an agreement that 2.5% of the company's monthly sales are paid in what they term a "community development fund", which in effect is the customary state account controlled by a few chiefs. They receive app. 5000 \$ a month, which is a lot of money, but most local people do not know where this money is going to – still no running water, hardly any infrastructure development. The company does not check what the money is used for.

"It is like the Ashanti kingdom- you know that there is a lot of gold, but you never see it" (Young man at a male group discussion)

According to Stoolfather, much money is used on land litigation with neighbouring traditional areas, i.e. the case against Bakpa, thus strengthening the position of the Fievie Traditional Area in the region.

But not only have most people never seen any of the money generated by the investment, many have also been excluded from their access to land and important resources.

### **Exclusions**

Mainly land used as commons given out (without however involving many family heads who own these lands). This led to a drastic decrease of the land available for cattle grazing, destruction of many fishponds, which played a crucial role for local diets and uprooting of most trees used by women for fuelwood and other purposes. Furthermore 100 ha of farmland within the Fievie traditional Area and 200 ha of farmland used by Bakpa people were appropriated.

Only selected women and men within the Fievie Traditional Area were compensated for their crop losses (not loss of farmland). Compensation was left to the Traditional authorities -from the people I spoke to, all those who said they received compensation were either sub-chiefs, related to chiefs, other important local people (i.e. elders, decision-makers, honorary citizens etc), initially none from Bakpa. No compensation for loss of commons.

Some people have also been able to compensate their losses through being included in the investment as employees or outgrowers.

### **Inclusions**

App. 120 people employed on the field and in the mill. However most employees hail from the larger towns and have thus not been negatively affected by the investment. Mostly men are employed, who are underpaid and work without contracts (many men suspected that GADCO always fired their workers after a few month to avoid having to make them permanent). Women only hired in highly flexible casual labour positions, i.e. the application of fertilizers to plants

However, the company claims to empower women through their outgrower scheme:

At the time of research, they were working with 45 outgrowers, who were farming on 45 ha of land that belonged to the company. Outgrowers were however only on their second harvest – all outgrowers were very happy with the amount received at the first harvest, as it is a lot more than what they could get from their own rainfed agriculture

While on the list, about half of the outgrowers were male and the other female, more women were visible on the outgrower field. In some cases men signed up for the scheme but sent their women to do the work.

The company left the selection of outgrowers up to their partners in the traditional area. It was quite clear that positions were distributed mainly to close relatives and friends of chiefs, with most people coming from Fievie-Dugame, the seat of the chieftancy, and many families having several positions. Also the women who benefitted, were mostly better off, some even made it into a business and send poor landless women to work for them, while using the money for other businesses. However, a few old widows seem to have been chosen for their hardships (arguably however, these were also the ones with good connections to the chieftancy). Many women also mentioned that their engagement as outgrowers had increased their time burden.

I suppose, it is safe to say that so far the empowerment effect for women from outgrowing has been limited due to rigid power structures within the customary system, as well as a clear gender division of labour and no real interest or enforcement from the company.

Since the company appropriated most of the land held as commons, most trees cut down, thus one of women's main income earning opportunities lost! Rice picking as a response to this loss – hundreds of women from all over the area engage in this practice after each harvest. All women say it helps at least a little bit in terms of food security and compensating for their losses. Some women also derive an income from it which apparently is higher than what could be made from fuelwood (amount seems dependent on labour power and time available). However, many women also said that now so many women were engaging in this practice that what they would get was very little compared to the labour they expended.

*“When they destroyed all these things and we were picking the rice, we were ok with it. There are lots of risks in picking the rice like the sunshine scorching us so hard and sometimes we meet snakes whilst we were picking rice and all that but as they have destroyed everything that is our last resort we could turn to. We keep on picking the rice to compensate our losses..” (Group Discussion Rice picking women)*

While some of those who lost access to resources have been included in the investment through employment and outgrowing or have at least been able to offset their losses through after-harvest rice picking, others have lost large parts of their livelihoods without any compensation or benefits.

Therefore the investment has also created a lot of inter and intra-community conflicts and also a lot of resistance, which has varied in its intensity and formality.

## **Resistance**

Most people first tried to use traditional means of dispute settlement and also voiced their concerns at community meetings. While leaders appeared to be concerned at meetings and promised to look into issues, many people said that leaders constantly kept delaying, telling them to see other people etc. and in effect doing nothing. Some stopped attending meetings, because they felt that it was a waste of time, since leaders were doing whatever they wanted anyways.

Many people also used „weapons of the weak“ to maintain their access to the land and its resources, i.e. stealing crops and fuel, pulling out pegs used to demarcate the company's land etc. However, the company has increased its security to 15 regular security guards and four special armed guards from the community, who patrol the area at night, reporting anybody to the elders and the police.

When these strategies proved futile, many people started involving government authorities (DCE & MP's), some families also engaged in court cases. However, both the chiefs and GADCO have powerful connections within the government structure and many people also suspected that government authorities and courts had been bribed.

Bakpa people, who were regarded as “migrants” by Fievie received no information or compensation for the acquisition of their land. Since it was the second time Fievie leased out their lands, they engaged in violent resistance. Intervention by District Chief Executive and District Security Councils – GADCO promised to pay compensation, but paid only 9 out of 26 affected farmers, thus also increasing internal conflicts.

The most successful resistance was organized by cattle rearers, who organized themselves as a group and used various strategies from threats to involving the government and media. They were successful in that a third wave of acquisition of their land (for integration of outgrowers) was moved onto another land (used by Bakpa!). Fishpond owners have also started to organize themselves as a group and decided to engage in a court case against the investor despite chiefs trying to dissuade them.

While many women also voiced their concerns at community meetings and also tried to approach chiefs for compensation, their main resistance, if one can term it that way, was to start collecting the left-over rice.

If one buys into the discourse used by chiefs and investors, the reason for this would be that women are actually benefitting from the investment through after-harvest rice picking and outgrowing. But I think that that is only part of the story. Since most women do not have any formal rights to land, they can also not contest the loss of these rights. Also men have more time to organize themselves, greater access to the public and political sphere. The use of violence in resistance is an exclusively male strategy. When asked why they did not resist, women often said that they were “weak” and that only men would be heard by the customary authorities.

However, shortly after my research, the investors went bankrupt, which must have specifically affected women, as they now had no more fuelwood left and now more rice to pick.

## **Conclusion**

The implementation of a LSLA is by no means a straightforward process and depends much on the local institutional context and power relations at play

Both the traditional authorities and the company benefit from one another in this particular investment: The company uses its partnership with the traditional rulers to claim that it is involving and empowering the local community, while in reality not only leaving consultations, compensation and the selection of outgrowers to the chiefs, but also relying on their power to combat any resistance

The government authorities take a backseat and are mainly involved by local people when traditional means of dispute settlement fail. However, government authorities also have an interest to portray this investment as best practice and exaggerate their role in “providing an enabling environment”, as this is in line with the country’s agricultural policy

Women are heavily discriminated against in the customary institutional context and are most likely to be among the main losers in the long run as land scarcity and competition increases.

In the meantime some (rather powerful) women are benefitting from the company’s outgrower scheme and many are at least able to compensate their losses through the picking of rice. However this creates a heavy dependence on investors.

Having said all of this, it however, interesting to note that most people were not against the investment per se, but rather against the way it had been executed and appropriated by the chiefs.

In a context of wide-spread poverty, unemployment and increasingly erratic rainfall, people were keen to improve the conditions of their life and seem to have appropriated the notion that this type of investment could bring them much needed “development”. Therefore, most did not want the company to leave, but rather to be included on fair terms and the company to respect their livelihoods, compensate them for losses and exercise some sort of corporate social responsibility through those 2.5% that were flowing into the community fund.

*“We don’t want people to claim Fievie is developing when some people are suffering.” (Young man at community meeting)*

*“Some people should not be crying, so that others will be laughing.” (Old man at community meeting)*

So, I would like to end with some open questions:

Is a fair large-scale land acquisition that benefits at least a large majority of people possible, given the fact that investors are per se mostly concerned with private profits, as are all those people mediating the investment (i.e. government and traditional authorities)? How would it be possible and what would it look like? What would alternatives look like?

How can women meaningfully be included if the whole institutional structure and the family structure discriminate against them?