



Research Article

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Processes of Acquiring Large Scale Land by Investors in the Pru District of Ghana: A Critical Inquest

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Abstract

The study examines the process of acquiring large-scale land for investment in the Pru district. Ghana has become one of the destinations for large-scale land deals in Africa, attracting high foreign investments in the agricultural sector. Over the past ten years, the Government of Ghana have leased out large tracts of land for investors, mainly foreign investors. The Pru district in the Bono East Region have large-scale land acquisition by investors. This study aims to examine the process through which large scale land are acquired in the district. The study employed a mixed method approach, where smallholder farmers were interviewed. Focus group discussions were conducted to achieve the objective of the study as well as computing statistical analysis for the socio-demography for the respondents. Both primary and secondary data were employed in the study and the qualitative data was analysed thematically whiles inferential and descriptive statistics with the help of Statistical Package for Social Sciences (SPSS Version 20). The study found out that process of acquiring large tract of land for investment purposes include identification of vacant lands, deciding to lease the vacant lands, advertising the vacant lands, assessment of the land by prospective investors, negotiating terms of leasehold and documentation and transfer of ownership. The findings revealed that occupants of farmlands do not participate in decisions leading to the acquisition of those lands by investors, which has a significant influence on the effects of large-scale land acquisition on the livelihood of smallholder farming households. The study recommended that households should be given the opportunity to negotiate for better terms of compensation from investors and the government especially for farming households losing their farmlands.

Keywords: Idle land, Compensation, Expropriation, Sub-Saharan Africa, Large-scale Land

Introduction

Large scale land acquisition through long term leases or outright purchase in developing countries (in Africa, Asia, Latin America and Eastern Europe) has been described as global land grab, transnational commercial land deals or global interest in farmlands [1-4]. Depending on the purpose for which the land is acquired, large-scale land acquisition can be compulsory, especially when it is needed for public purposes. In this regard, central or local governments exercise their power of expropriation to acquire private lands for public purposes. Land acquisition in the public interest could also mean acquiring private lands by governments for private companies and individuals for purposes which although, may contribute to public welfare, confer a direct benefit, including profit on the land user [5].

Africa is rapidly becoming a centre for large-scale land acquisition

with millions of hectares of land leased out annually, mainly to foreign investors. Foreign investors perceive Africa as the best destination for land investment because it is where land can be obtained at low cost and in turn rush to secure large land for investment [6]. In 2012, a report based on the Land Matrix Data base shows that Africa is the most affected region by land deals where there were 754 deals covering 56.2 million-hectare acres of land [7].

Schoneveld observe that Sub-Saharan Africa (SSA) has become an attractive destination for these investors. Woodhouse attributes the SSA's attractiveness to large-scale land investments to its weak legislative and regulatory frameworks to protect the interests of existing land users or the general public [8, 9]. An important driver for large-scale land acquisition in Ghana, and the rest of Africa, is the growing global demand for bio-fuels and other plantations. The period from 2005 until now has experienced unprecedented growth in global biodiesel demand and production [10].

In recent times, Ghana has become one of the destinations for large-scale land deals in Africa, attracting high foreign investment in the agricultural sector. Over the past ten years, the Government of Ghana have leased out large tracts of land for investors, mainly foreign investors. One main feature of such large-scale land deals in Ghana has been that lands given to foreign investors are larger than those given to domestic investors are. The reason has often been that the government perceives foreign firms to possess more capital and technologies than the domestic firms to carry out big investments successfully [11, 12]. In view of all these, this research seeks to find out the processes of acquiring large-scale land by investors in Ghana taking the Pru district into perspective. This can well be explained by looking at the expropriation tools enshrined in the State Lands Act.

Literature Review Process of large scale land acquisition

Large-scale land acquisition involves a wide range of actors at community, local government, national government and international investment levels. To fully understand a land deal and the effect it has on a community, it is also important to understand the complexities of the situation prior to the deal and the wide range of outcomes that occur as a result of the deal [13].

Behrman revealed that acquisition of large agricultural land is usually initiated through a process of consultation and negotiation that will eventually lead to a contract formally enunciating the terms of the deal. The great diversity on how this process plays out and the extent to which the perspectives of local populations are considered has important implications for local men and women. Bending and Taylor showed several cases of outright illegal land grabs in Sudan where lands have been acquired outside the national law [14]. However, this is not to say that land is always acquired inequitably or that the acquisitions are always illegitimate by all parties. Governments may not acknowledge customary rights of local users, a practice that is not illegal but that disregards the norms and needs of long standing local users [13, 15]. Cotula opined that land deals have often being justified on the notion of "unused" land and needs to be critically examined. According to Behrman, the first stage in large scale land acquisition is the identification of idle land depending on whether such lands are customary or privately held titled as well as the users of these land identified.

Since 2005, Ghana has witnessed a rapid rise in the number of commercial investors seeking to acquire land for plantation agriculture. Over a period of five years, investors have gained access to approximately 1.2 million ha – most of which is located in central Ghana's forest-savanna transition zone [16]. Ghana as a country is blessed with immense dynamics of landforms. When obtaining land in the country, there are certain procedures one has to go through to enable smooth acquisition such as appropriate registration with the relevant agencies in order to avoid future disputes and forfeiture. Land acquisition largely goes through certain administrative processes with the Government providing a facilitating role in terms of giving legal and regulatory framework governing land administration and land use. The state intervention is to ensure that there is transparency, accountability, and security after investors have acquired such lands [17]. In Ghana, there are four categories of land governed by both customary practices and enacted legislation.

These are;

- Individual/Private Lands: these are lands owned by individuals and private entities
- Stool/ Skin Lands: these are lands under the custodianship of various chiefs
- 3. Family Lands: these are lands managed by Heads of families assisted by principal members of the families.
- 4. State and Stool Vested Lands: these are lands managed by the Lands Commission

The lease period for an acquired land for industrial or investment purposes and residential purposes for foreigners (Non-Ghanaian) in Ghana is 50 years and for Ghanaians is 99 years.

It is always advisable to follow due diligence to avoid being dragged into a never conclusive land disputes by ensuring that you deal with the rightful owner of the land recognized by law. A quick official search will do in addition to neighborhood questionings and supporting documents from claimed owner. Do an original survey of the said parcel of land and ensure the plan used for the search is for the exact land of interest. Lastly, you have to engage the services of a licensed surveyor/registered member of Ghana Institution of Surveyors. In Ghana, only licensed surveyors are permitted legally to undertake cadastral surveys [17]. According to the Ghana Integrity Initiative under Women Land and Corruption in Africa (WLCA) project the processes of acquiring land in Ghana are through the following ways;

Land Inspection: The investor must check the boundary corners of the land in question to verify the full extent of the land and be sure of the feasibility of the project to be used. This must be done by an expert and must be in the presence of the land owners as witnesses. Carrying out thorough checks about the land is important, as this will enable the future land owner gets to know if the land is available to be acquired. In this process, the prospective land owner can also consider the services of a land lawyer to research the land and prove its availability; such as if it has already been sold out. Checks must also be done with other government land overseers. One would also be told if the land is not suitable, say if it is a water-logged area, and therefore, not advisable to be purchased.

Land Search: This is the most important stage. Here Surveyors go onto the land to pick and demarcate the land parcel. The result is taken to the lands commission to verify the true ownership of the land. If the name that comes up is the same as your land owners, then you can carry on the process, if not quit or seek a legal advice.

Acquisition and Negotiation: After the availability and suitability of the land has been established, the interested buyer or lessee negotiates with the actual owner of the land for sales. It is important to be reminded that the interested buyer must deal with the rightful owner of the land because the use of middlemen is not advisable. An agreement is reached and documents made to its effect.

Land Documentation: The investor can proceed with the documentations; normally after a quarter or part payment has been done. The land owners then prepare the documents which must include a true and certified copy of indenture and site plans. Three copies of the agreement documents would be needed for endorsement by a land lawyer, who will have to sign the back of each of the copies with his practicing stamp duly fixed. Each copy of the documents must have a site plan attached, together with two extra copies of site plans, all

making 5 documents. The back of the site plan would also be needed to be endorsed by the owner and the buyer of the land; after which they (the site plans) are to be certified by the stamps of a licensed surveyor and the regional surveyor with accurate date.

Witnesses: These are people who would testify to the proceedings so that in future whenever there is any case of challenge about ownership of the land, they would be called upon for assistance. It is therefore required that at least, two (2) qualified persons from both parties – the seller and buyer sides must sign as witnesses. The two witnesses signing on behalf of the buyer or lessee must do so with their full names, addresses and original signatures.

Land Commission: After the endorsement of the documents, it is then sent to the land commission, together with processing fees for of processing and registration of the land to begin. After the processing is completed, the documents are released to the Land Valuation Board for stamping and certifying.

Internal Revenue Authority (IRS): The IRS sees to the taxes associated with the registration process. From the land valuation board, the processed documents are then released to the IRS for tax clearing of the land to be made. When this is complete, the applicant, or buyer is given a tax clearance certificate. The documents are from here, taken back to the land commission for final registration at the deeds registry.

Land Title Certification: From the deeds registry, the buyer is given an original copy of the land title document. Actually, this can be done simultaneously with the projects inception since the land title certification from the Land title registry of Ghana takes quite some time.

However, this current study brought to light that the process of Land acquisition varies from region to region, district to district, but in the case of Pru East district. These are the processes: The investor has to inform the district management team the various help the citizens would enjoy such as the provision of schools, provision of hospitals, provision of water, provision of sanitation, provision of employment. The processes of land acquisition in the Pru district by investors include: an identification of vacant vast lands by metropolitan and district assembly, deciding to lease vacant lands by chiefs, the metropolitan and the district assembly, advertising vacant land by the district metropolitan, land assessments by prospective investors, negotiation by prospective investors, chiefs and metropolitan assembly and documentaries and transfer of documents to prospective ownership by land commission, investors and chiefs [18].

Expropriation Tools enshrined in the State Lands Act, 1962 (Act 125) and State Lands (Amendment) Act, 2000 (Act 586)

This is the principal Law under which private lands could be compulsorily acquired. The Law empowers the President to acquire any land for the public benefit. The Act and its Regulation (State Lands Regulation 1962, LI 230) detail out the mechanism and procedure for compulsorily acquiring lands. It is a mandatory requirement that a copy of the instrument of acquisition be served on any person having an interest in or possessing such lands or be affixed at a convenient place on the land and be published thrice in a newspaper circulating in the district where the land is situated. The Act emphasizes the payment of compensation to the victims of

acquisition made under the Act. The basis of the said compensation should be either the market value or replacement value. Costs of disturbance and incidental expenses or other damage suffered are to be considered in the award of compensation.

One critical limitation of the Act is that not much premium has been given to the issue of public involvement in the acquisition process. Community consultations and involvement is therefore not mandatory. To ensure that projects implementation achieve the desired results, the acquiring agency will conduct thorough consultations with all the stakeholders especially communities to be affected at every stage of project; planning, implementation and monitoring.

The State Lands Act, 1962

The Hundred and Twenty Fifth Act of the Parliament of the Republic of Ghana Entitled the State Lands Act, 1962

An act to provide for the acquisition of land in the national interest and other purposes connected therewith.

DATE OF ASSENT: 14TH JUNE, 1962

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:

Acquisition

Whenever it appears to the President in the public interest so to do, he may, by executive instrument, declare any land specified in the instrument, other than land subject to the Administration of land Act, 1962 (Act 123), to be land required in the public interest; and accordingly on the making of the instrument it shall be lawful for any person, acting in that behalf and subject to a month's notice in writing to enter the land so declared for any purpose incidental to the declaration so made. An instrument made under the preceding subsection may contain particulars in respect of the date on which the land so declared shall be surrendered and any other matter incidental or conducive to the attainment of the objects of the instrument including an assessment in respect of the compensation that may be paid. On the publication of an instrument made under this section, the land shall, without any further assurance than this subsection, vest in the President on behalf of the Republic, free from any encumbrance whatsoever.

Publication of Instrument

A copy of the instrument made under the preceding section shall, be served personally on any person having an interest in the land; or be left with any person in occupation of the land; and be affixed at a convenient place on the land; and be published on three consecutive occasions in a newspaper circulating in the district where the land is situated.

Tribunal

The President may, in consultation with the Chief Justice by executive instrument, establish a Tribunal consisting of three persons one of whom shall be a Judge of the High Court who shall be chairman. The decision of the Tribunal on any matter referred to it under this Act shall by final save that the Tribunal may reserve for the consideration of the Supreme Court any question of law and section 11 of the Court Act, 1960 (C.A. 9) shall apply accordingly. The President may, by legislative instrument, and after consultation with the Chief Justice, make Rules governing the functions and procedure of the Tribunal.

Claims and Compensation

- 1. Any person claiming a right or having an interest in any land subject to an instrument made under section 1 of this Act or whose right or interest in any such land is affected in any manner shall, within three months from the date of the publication of the instrument made under the said section 1, submit in writing to the Minister, Particulars of his claim or interest in the land; The manner in which his claim or interest has been affected by the instrument; The extent of any damage done; The amount of compensation claimed and the basis for the calculation of the compensation, and the Minister may, having regard to the market value or the replacement value of the land or the cost of disturbance or any other damage suffered thereby, pay compensation in respect of that land or make an offer land of equivalent value.
- Where there is a dispute as to the right or interest claimed by reason of conflicting claim or interest, or any person is not satisfied with the compensation assessed by the Minister, the Minister may refer the matter to the Tribunal.
- 3. In assessing compensation under this Act no account shall be taken of any improvement on the land made within two years previous to the date of the publication of the instrument made under section 1 of this Act unless the improvement was bona fide and not made in contemplation of acquisition under this Act.

Leases and Licenses

The President may grant a lease or license in respect of any land acquired under this Act.

Regulation

The Minister may, by legislative instrument, make Regulations prescribing fees to be paid under this Act and for the better carrying into effect of the principles of this Act.

Interpretation

In this Act, unless the context otherwise requires, "cost of disturbance" means the reasonable expenses incidental to any necessary change of residence or place of business by any person having a right or interest in the land; "market value" means the sum of money which the land might have been expected to realize if sold in the open market by a willing seller at the time of the declaration made under section 1 of this Act; "Minister" means the Minister responsible for lands; "other damage" means damage sustained by any person having a right or interest in the land or in adjoining land at the date of the declaration made under section 1 of this Act, and shall be the amount required for reasonable re-instatement equivalent to the condition of the land at the date of the said declaration.

Repeals

The provisions of section 4 to 18 of the State Property and Contracts Act, 1960 (CA. 6) in so far as they relate to land shall cease to have effect. The Housing Schemes (Acquisition of Land) Ordinance (Cap. 85) is hereby repealed.

Saving

Notwithstanding the repeal of the enactments specified in the preceding section, any subsidiary legislation made thereunder and in force immediately prior to the commencement of this Act shall continue to have effect as if made under this Act.

Gyasi, 2016 in her work further stated that, the main law governing

expropriation in Ghana is the State Lands Act, 1962 (Act 125) [19]. The law with subsequent amendment was enacted to give the President the power to acquire any parcel of land for the public use whenever he is of the opinion that it is in the public interest to do so. Under the Act, there are three main distinct heads in the acquisition process.

- 1. Who can acquire
- 2. By what procedure
- 3. The provisions as to assessment of compensation

Who Can Acquire

The Act empowers the President to declare any land required for public use and acquire it in him and on behalf of the Republic free from any encumbrance upon the publication of an Executive Instrument in the Gazette as enshrined in the LI 285. Although this power to take private property is exclusively reserved for the President, yet owing to the complexities of the process of expropriation the power is exercisable for and on his behalf by the Minister responsible for Lands and Forestry.

Acquisition Procedure

There is an Executive Instrument done by the Minister, which simply declares an intention to take the land specified therein and does not by itself transfer either the legal or equitable interest in the land to the president, nor does it establish the relation of vendor and purchaser between the owner and the President. The declaration has the effect of preventing the owner from altering the land or creating any new interest in the land so as to increase the burden of compensation payable by the state. The declaration also fixes the dates at which values are determined.

One of the main objectives of Act 125 was to facilitate the acquisition procedure. It also prescribes the mode of publication of this instrument. It further provides that claims for compensation by any person having a right or interest in any land that is the subject matter of an executive instrument may be made to the Minister responsible for Lands within three months from the date of the publication in the prescribed manner. The Minister may, having regard to the market value or the replacement value of the land or the cost of disturbance or any other damage suffered thereby, pay compensation in respect of the land or make an offer for land of equivalent value.

This enactment seeks to enhance accessibility of land to developers and investors; since the law presents the granting of leases and licenses in respect of such acquired lands by the President. The management function is currently being performed by the Lands Commission as provided under article 258 of the 1992 Constitution of Ghana.

State Acquisition and Individual Investor Acquisition State or Public lands Acquisition

State land acquisition is where the state feel and think it is wise to use reserved land for the interest of the state. Example using land for school, park, market, hospital, community social gathering and sanitation purposes. The state can use its legal right to obtain and acquire the land without any respect to the occupants. All public lands are vested in the president on behalf and in trust for, the people of Ghana. These are commonly known as Government lands as stipulated in the 1992 constitution of Ghana. They were compulsorily acquired by the Government for its administrative and development functions and which are in the absolute ownership of the state.

Under the state land Act 1962 (act 125), the declaration through the publication of an instrument designating a piece of land as required in the public interest, automatically vest ownership of the land in the state. The title thus acquire is the absolute or allodial one. As with expropriation law and policy in many countries, compulsory state land acquisition has to be for development project deemed to be for the public good. The land can also be acquired in terms of one of the state property and contract Act, 1960 (CA 6), the land (Statutory Wayleaves) Act, 1963 (Act 186).

Land may specifically be expropriated under the constitution: in the interest of defense, public safety, public order, public morality, public health, and the development or utilization to promote the public benefit" (Constitution Act 20 of 1962, Article 20(a)). By law the state must compensate the customary authorities for the land they surrendered to the state. Once surrendered, all previous interests in the land are extinguished. Thus, land expropriated for a particular purpose will not be used for that purpose but another or even sold [20]. The government can also acquire land through the vested system where by lands that were previously been owned by the traditional indigenous community (that is town or village) but declared under the Land Administration Act 1962 (Act 123) S7 to be vested in the state and administered for the benefit of the community.

Individual investor Acquisition

Individual acquisition of land is where the investors has the purchasing power to buy and legally go through the community large scale land. The processes include consulting the chief, district assembly, land commission, public advertising among others. When land is acquired by individual as a private property, it is termed as a private/individual land. Such lands can be inherited or be transferred and are not subject to any family sanctions or restrictions. Holders of such lands have freehold right. Since 2005, Ghana has witnessed a rapid rise in the number of commercial investors seeking to acquire land for plantation agriculture. Over a period of five years, investors have gained access to approximately 1.2 million ha – most of which is located in central Ghana's forest-savanna transition zone [12].

The Government of Ghana, however, did not appear to have an active role in enabling these land acquisitions. Investors can obtain support from the Ghana Investment Promotion Center (GIPC), which maintains a land bank, to help identify suitable land and Traditional Councils willing to lease out their land. Although the GIPC did facilitate access to 150 000 ha of land in southern Ghana for two high-profile investments into jatropha cultivation, there was no evidence of government institutions actively supporting land acquisitions for the projects explored in the research. In these cases, all investors, some with support from local intermediaries or partners, initiated contact first with the Traditional Council, not the government. Traditional Councils subsequently negotiated directly with the investors on the terms and conditions for the leasehold contract. By and large, Traditional Councils were found to be exceptionally responsive and accommodating to investors; in addition to any payments of direct benefit to them, they had consistent expectations that large-scale investments in the area would contribute to job creation, market opportunities and the provision of social infrastructure (e.g. schools, hospitals). (Interview with the Director of the Ghana Investment Promotion Center, 6 August 2009).

Effects Large Scale Land Acquisition by Investors

Proponents of land grabbing list a number of opportunities such

as the provision of farm and off-farm jobs, and the construction of rural infrastructure including schools and health posts for the poor rural dwellers. Other potential benefits arising from land deals also include resources for new agricultural technologies and practices as well as future global price stability and increased production of food crops that could supply local and national consumers in addition to foreign consumers [21]. Since land grabbing leads to increased investments in food and agro-fuel production flowing to rural areas of developing countries, it could present essential benefits and opportunities for promoting the livelihoods of poor rural communities. Such investments have the potential to boost the agricultural sector, promote its modernisation and stimulate rural economies by the development of processing industries, livelihood diversification and employment generation; increased agricultural productivity through the provision of improved seed varieties, knowhow and new technologies; low cost of production and higher returns for the farmers, provision of facilities such as roads, ports, schools, health centres and water services [22].

Large scale land acquisitions can be a 'win-win' deal. Investing grabbed lands in agriculture can be a growth opportunity. This is because increasing the size of land under agricultural production and improving productivity through the application of modern farm techniques and economies of scale will benefit the country of the investors as well as the host country financially [23]. However, the World Bank was also quick to add that "the risks associated with such investments are immense" mainly because the demand for land is focused on countries with weak governance and insufficient legal frameworks, but acknowledged that, if governments implement the right policies, the risks can be turned into equally large opportunities.

Makutsa (2010) addressing the effects of land grabbing on livelihoods indicates that there will be severe food deficit in the Tana delta in Kenya, a home to many land grabbing cases, if all the proposed agricultural investments on all grabbed lands take off in the region. Using a case study involving Uganda for example, the National Association of Professional Environmentalist reiterates that, the use of grabbed lands for oil palm plantation in Uganda has affected the local economy, which previously had fishing, timber harvesting and food crop farming as the major economic activities [24].

Drivers of Large Scale Land Acquisition

Conventional energy sources based on oil, coal, and natural gas have proven to be highly effective drivers of economic progress, but with environmental implications. Climate change puts us all at risk, but it hurts the poor first [25]. The key to this challenge is to provide sustainable energy for all (SE4All). The United Nations SE4All sought to achieve three main goals by 2030 through ensuring universal access to modern energy services, doubling the global rate of improvement in energy efficiency and doubling the share of renewable energy in the global energy mix. It is now clear that any effort to maintain atmospheric levels of CO2 below even 550 ppm cannot be based fundamentally on an oil and coal-powered global economy, barring radical carbon sequestration efforts [26]. The potential of renewable energy sources is enormous as they can in principle meet many times the world's energy demand.

Several scholars also note that bio-diesel is carbon neutral because all the CO₂ released during consumption is sequestered from the atmosphere for the growth of plants and therefore causes no environmental pollution and are thus considered 'green' [27,

28]. On the sad side, pressure on land for example, is becoming uncontrollably phenomenal and increasingly large-scale in recent times towards meeting the demand for energy crops. The phenomenon of large-scale land acquisition of farmlands in Least Developing Countries (LDCs) has come to be known as global land grab or transnational commercial land deals or global interest in farmlands. Woodhouse attributes the phenomenon to the weak regulatory and legal frameworks in the LDCs to protect the interests of existing land users [29]. World Bank also attributes the phenomenon of large-scale land acquisition for plantation to the global demand for the use of clean and alternative sources of energy against the threats of climate change. These demands appeared to have emerged from the developed countries.

The demand for agro fuels has increased rapidly over the past several years as oil-dependent countries establish ambitious targets for agro fuel production and for incorporating biodiesel and bioethanol with traditional transport fuels [30]. As a result, the use and production of biofuels has increase rapidly in recent years such that according to Mitchell, the quantity of US corn used to produce ethanol increased by 53 million tons between 2002 and 2007, representing 30% of the total global growth in wheat and feed grains used [31]. Due to this demand and market, investors mainly from the private sector and European OECD member countries have targeted vast tracts of land to produce crops for agro-fuels in developing countries owing to low labour and land costs and, in some cases, land availability Haralambous.

Large-scale acquisition phenomenon is indeed prevalent in Ghana with acquisition of 2000ha identified in 2008 and projected to reach 600,000ha by 2015 [32]. Schoneveld et al., also identified a total of 17 commercial biofuel development companies in Ghana out of which fifteen are foreign-owned and/or financed by some individual Ghanaians. Schoneveld et al., further found that thirteen of the foreign companies focus primarily on the cultivation of jatropha, one on cassava and another on oil palm.

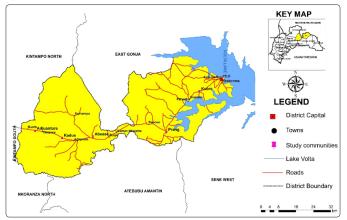
Similarly, the National Jatropha Plantation Initiative (NJPI), which was initiated in 2006, targeted developing up to one million hectares of jatropha plantations by the year 2010 on available idle and degraded lands in phases for the next five to six years. Although, much remain unknown about the outcome of this initiative, it was reportedly estimated that by August 2009, the jatropha companies collectively had access to 1,075,000 hectares of land, 730,000 hectares of which is located in the forest-savanna transition zone of central Ghana (Bono East, Savannah and Ashanti regions). Examples of these large-scale land development companies include Biofuel Africa Ltd (Solar Harvest), found to have acquired 10,600ha of land in the Yendi District but 10,847ha was subsequently reported by Bugri, Scanfuel (now Scanfarm) Ghana Ltd which was reported to have acquired 304,000ha (Wisborg, 2012) of land in the Asante Akyem North District whilst Hamenoo found 13,058.35ha in recent studies on the subject [33-37].

Materials and Methods Description of the Study Site

The Pru District was created on the 18th of February 2004 under Legislative Instrument 1778 of 2004. Pru District was created out of the then Atebubu District. The physical, economic and sociocultural conditions have shaped and influenced lives in the Pru District. It is therefore relevant to put these issues into perspective

to enable a fair appreciation of the current state of the district. There are core natural and anthropogenic factors that have influenced economic production, consumption, reproduction, health, sanitation and the overall welfare of the people in the Pru district. The study communities include Kobre, Kadue, Abease, Prang and Adjentura.

he Pru district lies between Longitudes 0030" W and 1026" W and Latitudes 7050" N and 8022"N. It shares boundaries with seven other districts, namely East Gonja to the North (Northern Region), Sene East and West to the East, Nkoranza and Atebubu-Amantin to the South and Kintampo-North and South to the West, all in the Bono East Region. The District covers an area of 3220.7kmsq



Source: Ghana Statistical Survey (2015)

Figure 1: Map of Pru District showing the study communities

Research Approach

Survey research approach was used for the study. The survey research was considered to be most appropriate research approach to provide the required quantitative and qualitative descriptions of the process of large scale land acquisition by investor in the Pru District. Data from farming households were gathered using structured questionnaires.

The research further collected a mixture of quantitative and qualitative (descriptive) data. The approach makes provision for quantitative method (designed to collect numbers) and qualitative method (designed to collect words/descriptive in nature). The study therefore used a combination of quantitative and qualitative methods to answer the research questions. The methodological eclecticism inherent in the mixed research design results in superior results [38]. The strength of this strategy is that the weakness of one will be compensated for by using an alternative method [39, 40]. Focus group discussions have also been used to obtain qualitative data from farmer-based associations in the Pru District. The quantitative data were obtained through a cross-sectional survey from smallholder farming households in the study communities in the Pru District.

The qualitative techniques on the other hand were used to assess the coping and adaptation strategies adopted by smallholder farming households to abate the effect of large scale land acquisition in the study communities of the Pru District. According to Morse and Field, qualitative research refers to inductive, holistic, subjective and process-oriented methods used to understand, interpret, describe and develop a theory on a phenomenon or setting.

Sample Size for the study

Based on the sample frame of 2,554 households in the communities, a sample size of 345 was used for this study. 332 for small holder farming households and 13 interviewees comprising of the Chief Linguist at Yeji and the remaining were District Planning Officers. It was determined from the sampling frames using Slovin's mathematical method expressed by equation (1)

$$n = \frac{N}{1 + N(\ell)^2} \tag{1}$$

Where 'n' is the sample size, "N '' is the sample frame and '' ℓ '' is the error margin. The use of the formula should contribute to ensuring reliability and validity in the research. The sampling frame is the total number of units likely to be included in the study. In determining the sample size for the cross-sectional survey, a total of 332 sampled small holder farming households were obtained from the communities in the Pru District at 95% confidence level and 5% error margin

Sampling Techniques The Cross-sectional Survey

A multi-stage sampling technique was employed. The Pru district in the Bono East region was purposively selected based on the reason that it is the most effected with activities of land grabbing in Ghana. The second stage involved cluster sampling to ensure that all communities affected by land grabbing are represented in the final sample. The last stage involved proportionate simple random sampling technique which was applied to select the smallholder farming households in each cluster (study communities).

Results and Discussions Socio-Demographic Characteristics of Respondents

The socio-demographic characteristics of farming households determine the magnitude of the effect of large scale land acquisition on their livelihoods and the strategy of coping and adapting to these effects. The socio-demographic characteristics of farming households considered by this research are age of household head, household size, household income per annum, total acres of farm land owned by households, number of acres of farm land lost by farming households to large scale land investors, sex of household head and the educational level of household head. This is presented in Table 1.

Table 1: Descriptive Statistics of Sampled Smallholder Farmers

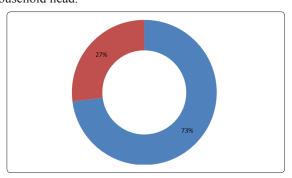
Variable	Mean	Std Dev	Min	Max
Age of HHH	35.49	1.27	24	58
Household Size	5.40	3.00	1	18
Household income	1700.83	78.04	180.00	3900.00
Land size owned By HH (acres)	8,87	3.92	4	23
Land lost by HH to investors	4.53	3.66	0	13

Source: Field survey (2020)

The youngest household head was 24 years while the eldest household head was 58 years. The average age of household heads in the Pru district was 35.49 years with a standard deviation of 1.27. This shows that the sampled households comprise of youthful members who can energetically carry out farming activities. Meanwhile, the

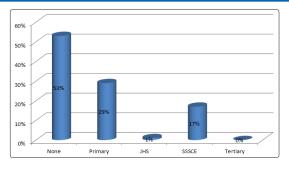
minimum and maximum household sizes were 1 and 18 respectively with an average of 5.40 members. Larger household size is a source of labour for farming activities by a household. The mean household income was GHC1700.83 with a standard deviation of 78.04. The minimum and maximum household incomes were GHC180.00 and GHC3900.00 respectively as indicated in table 1.

The size of farm land owned by a household also determines the extent to which households' livelihoods are adversely affected by large scale land acquisition since there will still be enough farm land for cultivation by the household after relinquishing part of their lands to large scale land investors. The minimum and maximum farm land owned by sampled households was 4 acres and 23 acres respectively while the average farm land owned by households was 8.87 acres with a standard deviation of 3.92 acres. This reflects a typical smallholder farmers' in Ghana. Similarly, number of acres of land lost by farming households to large scale land investors influences the magnitude of effect on households' livelihoods. The minimum and maximum size of land lost by households to large scale land investors were 0 and 13 respectively. Averagely, each household lost 4.53 acres of land through large scale land acquisition. About 73 percent of sampled households in the combined data were headed by males while 27 percent were headed by females as presented in Figure 1. Kobre community had the highest number of households headed by males (94) and households headed by females (29) while Adjentura community recorded the least number of households headed by males (18) and households headed by females (9). In the literature, large scale land acquisition has a disproportionate high effect on the livelihood of households headed by females than households headed by males. Also, the coping and adaptation strategies adopted by households depend on the sex of the household head.



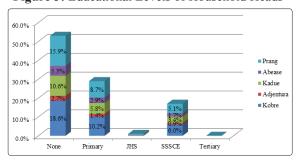
Source: Field Survey (2020) **Figure 2:** Sex Distribution of Household Heads

The level of education of household's head also determines his/her ability to read and understand issues influencing livelihood including large scale land acquisition. Figure 3 shows that about 53 percent of sampled households in the combined data had no education. The constituents of this percentage of no education by community as presented in Figure 4 include 15.9 percent from Prang, 5.3 percent from Abease, 10.6 percent from Kadue, 2.7 percent from Adjenture and Kobre with the highest percentage of 18.6. No household head is educated to the tertiary level in all the study communities. Of the 17 percent of household heads with secondary school education in the combined data as shown in Figure 3, majority of such household heads were from Kobre community (6%) as shown in Figure 4.



Source: Field Survey (2020)

Figure 3: Educational Levels of Household Heads



Source: Field Survey (2020)

Figure 4: Educational Levels of Household Heads by Community

Process involved in Acquiring Large Scales of Land by Investors The acquisition of large scale lands in Ghana, Pru district to be specific involves a laid down procedural process. The stakeholders for commercial land acquisition were interviewed using a structured interview guide. These stakeholders included the traditional authorities of the communities who are the custodians of the land, officials of the land commission who are previewed to the planned land use of the district, officials at the planning unit of the Pru district assembly who manages public or government lands and five of the large-scale land investment companies in the district. It was unequivocally unanimous among all stakeholders that the large-scale land acquisition for commercial purposes involves six stages and occupants of those lands are never consulted in any of the stages [41]. This finding confirms Dheressa who found that about 98 percent of farmers who lost their lands through land grabbing in Ethiopia were never consulted in the land deals or land acquisition process. This is showed by the flow chart in Figure 5.



Source: (Authors' own construct, 2020)

Figure 5: Flow chart showing the process of large scale land acquisition

Identification of Idle or Vacant Land

The first stage in acquiring large scale of land for commercial use is the identification of idle or vacant land in the district. This is done primarily by the district assembly. The district assembly at this stage is charged with the responsibility of searching for suitable idle lands within its jurisdiction which can attract investors. Given that the assembly has in its possession the master plan of the district lands showing the various land uses and their location, it is easy for the assembly to identify lands which are available for commercial purposes by taking a physical and technical assessment of lands. The fertility of land, natural resources contained in the land and the general landscape are identified at this stage. In most cases, the assembly with its experts visit the purported idle lands to confirm its availability for lease.

Decision Making Process in Large Scale Land Acquisition

Once idle lands are identified by the district assembly, the next stage is to take a decision on leasing out the lands. In most developing countries, fertile lands are abounded and not fully utilized by the natives. Meanwhile, the inhabitants of such lands are poor with limited access to such amenities as hospital, education and road. The lag in the livelihood of people necessitates the need for foreign investments with the requisite capital and technologies to exploit the available fertile lands and to the benefit of both themselves and the rural dwellers. Therefore, the quest for development of the district takes centre stage in the decision to lease identified idle lands to investors. Thus, the dilemma is to consider either leasing the vast lands for the socio-economic development of the community or improved livelihoods of citizens or retain ownership of the lands for future use. This decision is taken by the district assembly in consultation with the traditional authorities (chiefs) of the communities. Whereas the latter complained of not being consulted in the process, the former stated that it is a collective decision of the two stakeholders. It was established that the traditional authorities are the custodians of the land and exercise control over the use of the land, cannot lease out to investors without approval from the district assembly. These assertions were evident in an interview with the chief linguist of Yeji:

"The availability of idle and fallow lands made stakeholders of the Pru District to give the lands out for 25 years lease to investors to create more developments socially and economically. This was done after a careful deliberation with the natives of the land in consideration" (An interview with the Chief Linguist at Yeji, 2020). If a decision is reached to lease out the idle vast land to large scale land investors, then, the identified idle land is advertised by the district assembly for the general public to subscribe. In an interview with an official with the planning unit of the Pru district assembly, it was revealed that the assembly advertises idle lands to catch the attention of investors (local and foreign) chiefly via the internet and media. The adverts usually contain the site/location, size and resource endowment of the land, the proposed use of the land (plantation, factory establishments or other developmental projects) and the target investors. In some cases, the district assembly can write to specific investors to express interest in the advertised idle land especially when such investors are into the intended use of the land.

Upon seeing the advertisement of idle lands, prospective investors interested in large scale land investment (both local and foreign) visit the sites and assess the land with permission from the district assembly and the local authorities. In assessing the suitability of

the land, investors examine the fertility and soil texture of the land (for plantation projects), sources of raw materials, availability of utilities (electricity and water), and labour accessibility (in the case of factories), and the communities' readiness to welcome largescale land investment. Prospective investors can also ask for site plan of land from the district assembly. It is particularly essential for investors to assess the fertility of the land if the intended use for the land is to establish a plantation. Dheressa argued that the decision about where to acquire investment land depends on a set of several factors and include resource endowments, particularly agro-ecological characteristics of the target countries. In this regard, such characteristics as 'yield gap' and availability of land are major determinants and they are used to provide typology of target countries [42, 43]. According to Deininger and Byerlee, the underlying assumption in terms of the yield gap is that farmland is underused compared to the potential yields and that such land can be improved to increase its market value through additional inputs (such as water, fertilizers, seeds, infrastructure, and know how) and 'land availability' are major determinants and they are used to provide typology of target countries.

Negotiation of Leasehold Terms

When prospective investors are satisfied with the suitability of vacant lands for their intended projects, they proceed to negotiate with the district assembly and traditional authorities on the terms and conditions surrounding the release of ownership from the government/community to the investors. Therefore, the fifth step in the large-scale land acquisition process is the negotiation of leasehold terms. In negotiating the terms of lease, stakeholders discuss the number of years for which the land will be leased, the amount to be paid by the investor and the form or mode of payment, the compensation packages for occupants of the lands who depend on the land for source of livelihood, social or corporate responsibilities of investors to the community, local content in operation such as employing community members, among others. The agreed terms are documented and each party signs to show approval. This document serves as the contract document to be abided by all stakeholders. In the end, it is in the discretion of the district assembly to select one investor if many prospective investors express interest and availed themselves for negotiations. The motive of the district in leasing out their lands was expressed by some District Planning Officers in an interview.

"We thought the presence of investors were going to bring development and employment as well as exposing our community to the outside world. We are leasing and selling our lands meant for farming to them; our intention was that our ideal lands to investors would improve the general socio-economic wellbeing of the Pru District, hence facilitating the processes involved in the land acquisition" [44].

The Documentation and Transfer of Land Ownership

The final stage in acquiring large tracts of land is the documentation and transfer of land ownership or entitlement. When prospective investors are able to pay for the agreed lease price for the land to the district assembly and meets all other conditions specified in the land lease agreement, the assembly facilitates the transfer of land ownership to the investors through the Land Commission. The role of the Land Commission at this stage is to ensure a transfer of ownership of the land from the government to the investor. The land entitlement transfer document (tenancy document) contains

the years of leasehold and the name of the new owner. When the leasehold or tenancy period of the investor expires, the district assembly identifies such land as idle vacant lands and decides to renew the tenancy, call for new lease contract or stop further lease. This makes the large land acquisition process cyclical.

The study findings on the process of land acquisition by investors differ from that reported by Gobena [45]. According to Gobena, (2010), the Agricultural Investment Support Directorate of the Ministry of Agriculture administers acquisition of land size of 5000 ha or more in Ethiopia and follows a systematic procedure: the directorate conducts an assessment of land to ensure availability of free land; on behalf of the regional government, a contract is then signed by the directorate with the investors and a letter is issued to the regional states to demarcate the proposed land; finally, a lease document is issued to the investor to confirm transfer of ownership as right to use the land for the prescribed project [46]. This study revealed that in all the stages of the large-scale land acquisition, the occupants of these lands who are mostly smallholder farming households do not have a stake in decisions regarding the release of their farm lands to either local or foreign investors. The study finding agrees with Gobena (2010) who reported the non-participation of local occupants of leased lands in Tako-Tibe community in any of the consultation processes of large scale land acquisition in Woreda, Ethiopia [47-50].

Issues of Compensation

The computed index of 0.22 for the Pru district implies a low effect of large scale land acquisition on the livelihood of farming households in the district based on households not participating in the land acquisition process. The next sub-indicator is the percentage of farming households who never participated in decisions leading to the acquisition of their lands by large scale land investors. The computed indices revealed that whereas there is low effect of large scale land acquisition on the compensation of farming households; Adjentura and Abease communities reported the highest percentage of households who were not compensated by large scale land investors for losing their farm lands. In instances where farm lands of farming households are acquired by large scale land investors, they may have to relocate to far locations to cultivate. The computed indices indicate that farming households in the Prang community travel to far locations for farming activities than households in the other communities. However, the combined index of 0.18 for the Pru district suggests low effect of large scale land acquisition on distance to farms of households.

Conclusions and Recommendations

The conclusions emanating from the findings of the study are not far fetch. To begin, the main stakeholders in large scale land acquisition are the district assemblies, chiefs, prospective investors and Land Commission, without the farmers/occupants of those lands. The process of acquiring large tract of land for investment purposes include identification of vacant lands, deciding to lease the vacant lands, advertising the vacant lands, assessment of the land by prospective investors, negotiating terms of leasehold and documentation and transfer of ownership. Large scale land acquisition has a significant positive influence on the livelihood of smallholder farming households.

Thus, large scale land acquisition in the Pru district is targeted at enhancing livelihood of the rural dwellers through the provision of jobs, roads, better health care, increased incomes, improved production and access to other social amenities. As the tenants of the core-periphery theory, the increasing demand for bio-energy and agro-fuel products such as jatropha, mango and cashew at the global market as raw materials for industries in the developed world calls for increased production of such products. The theory is based on how economic development and settlement systems or spatial structure evolved. The study found that the motive for giving the land to the investor was to bring development to the Pru district which coincide with corresponding structure of space economy and it transcends to the simple notion of growth pole and growth centre as a key principle of the core-periphery theory.

Given that the findings revealed that occupants of farm lands do not participate in decisions leading to the acquisition of those lands by investors which has a significant influence on the effects of large scale land acquisition on the livelihood of smallholder farming households, this study recommends that households must be given a stake in decisions leading to acquisition of land by large scale land investors in the Bono East region. This will afford households the opportunity to negotiate for better terms of compensation from investors and the government especially for farming households losing their farm lands.

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