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LAND TENURE AND OIL PALM COMMERCIALISATION

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ACRONYMS

APRA	Agricultural Policy Research in Africa
B-BOVID	Building Businesses on Values, Integrity and Dignity
BOPP	Benso Oil Palm Plantation
NGL	Norpalm Ghana Ltd

EXECUTIVE SUMMARY

This paper examines different land tenure arrangements in five oil palm growing communities in south-western Ghana, and how different rules for land access affect different social groups. We focus specifically on the gendered aspects of access to land and their implications on equitable participation in the oil palm economy of these communities. A qualitative design was employed in this study. Household interviews, key informant interviews and focus group discussions were the main methods used to collect the data. The data was collected in five farming communities (Adum Adominase, Butre, Kwesikrom, New Akwidaa and Pretsea) in the Mporhor and Ahanta West districts in the Western Region of Ghana.

Three main forms of land systems were observed from the study of oil palm cultivation in the Mporhor and Ahanta West districts. First, land is vested in chiefs, in which case the land was considered stool¹ land and was allocated to residents (both indigenes and migrants) for farming purposes. Under this system land was allocated to male household heads who in turn allocated portions to their spouses or children for farming. The second type of land tenure system is land allocation through families. Here family heads are vested with the control and administration of the land. In these cases, matriliney plays an important role in land re-distribution. This guarantees access to land to all members of the matrikin, increasing women's access to land. The access and control of land guaranteed through family lineage enable some women to transfer the use and control of land to their spouses for the establishment of plantations. In the third case, individuals are able to acquire land through rent or a share cropping system. In a few instances, individuals also acquired and registered large tracts of land for farming on lease or full purchase agreements. This land eventually becomes the personal property of the individual, and communal land ownership norms cease to apply.

Although all five communities practise matrilineal system of inheritance, each community differs in terms of the customary norms and actual negotiations

regarding access to land. Long-term tenure arrangements observed in the various communities include lineage or family transfers, annual or seasonal rents, share cropping arrangements, and long lease arrangements. Apart from some family or lineage transfers, the process of transfers involved initial lump payments followed by annual or seasonal payments based on land sizes. Key to these processes is the monetisation of land access, even in kin-based transactions. There is a growing trend of smallholder and contract farming arrangements in the study communities. Under the influence of these dynamics, the norms regulating land acquisition and farming practices are undergoing changes.

Residency status also played an important role in shaping rules by which land could be accessed. Lineage or family transfers tended to be the predominant mode of land access in communities where the majority of residents were indigenes, with farm land acquired either through a patrikin or a matrikin. Migrant farmers acquired land either through marriage to an indigene, through sharecropping or direct lease. However, men tend to dominate in the production oil palm production.

The result is the dominance of males and large-scale farmers who have the resources to invest in their land after fulfilling the demands of families who own the land. This contributes to growing inequalities in these communities. Smallholder farmers, especially women with very limited resources, are therefore unable to participate equitably in the oil palm value chain as producers. Women therefore engage in the value chain as local processors which have traditionally been carried out almost entirely by women either as individuals or with the assistance of family members. It must however be noted that the increased infusion of technologies in local processing is leading to a growing number of males engaged in processing due to their ability to make the capital investment required.

The growing monetisation of land tenancy arrangements have shifted the transactional currency of land use arrangements from social networks and connections to cash payments. All forms of tenancies

1 Stool in this context refers to the traditional or chieftaincy authority that exercises control over land (see Kline et al. (2019).

are negotiated based on agreed cash payments. The increased reliance on cash payments is reshaping land tenancy arrangements with the emergence of conflicts due to dispossession and repossession. Smallholder farmers whose revenue streams and income are limited are thus forced off land by farmers with the capacity to pay for the lease of land. The impact of such changes includes the gradual displacement of smallholder farmers from cash crop farming, and the disproportionate focus on the production of cash crops which has food security implications.

1 INTRODUCTION

Oil palm is the second most important cash crop after cocoa, and the sector is an important contributor to the Ghanaian economy (Asante, 2021). The production of cash crops in Ghana has largely been dominated by small-scale farmers in mostly rural areas since the 1800s (Hill, 1961; Tosh, 1980; Khatun et al., 2020). The high value placed on cash crops often leads to better livelihood outcomes for cash crop farmers. However, the ability to sustainably participate in oil palm cultivation depends on secure access to land. One of the major challenges of small-scale farming in Africa is the land tenure system that affects the ability of farmers to make long-term financial and technical/technological commitments that will help farmers fully maximise the economic potential of the land (Kirsten et al., 2009). Sustaining growth in the commercial agriculture sector requires continuity through sustained land ownership but this tends to be elusive for many small-scale farmers. Informal customary arrangements are mostly used in negotiating the use of agricultural land for smallholders in Ghana. These sets of rules determine who can have access to land, what the land

can be used for and how long one can have tenure to land. Such land available to smallholders is often family land with competing claims, hence agricultural land in Ghana is often fragmented, allowing access to a host of community members (Asiama, Bennett and Zevenbergen, 2017) as well as guaranteeing the retention of land for future use in the communities.

The production of cash crops has altered the administration and access to land throughout history (Yaro, Teye and Torvikey, 2018). Increasing populations in Africa is putting pressure on all resources, especially agricultural land (Jayne, Jordan and Headey, 2014) which are a source of livelihood for more than 60 per cent of the Sub-Saharan population (Goedde, Ooko-Ombaka and Pais, 2019). The World Bank Group estimates that about 65 per cent of the world's poor depend on subsistence agriculture for their livelihood (World Bank, 2021). This paper explores the different land tenure arrangements in five oil palm cultivating communities and explores how the different land tenancy arrangements affect different groups/categories of people in the communities.

2 OVERVIEW OF THE LITERATURE

Since the post-independence era, small-scale farmers have been incorporated into out-grower schemes that seek to boost production for both the local industry and for export. This had become necessary because of the failure of plantation models to take off in the agrarian sector (Yaro, Teye and Torvikey, 2018). Invariably, small-scale farmers remain a crucial component of the agricultural system as they control the majority of cultivable land. Access to land is very important for people within agrarian societies, especially smallholder farmers. Yaro (2010) has emphasised that the inability to access land has potentially dire livelihood outcomes for many. The terms and conditions on which land is transferred, held, and used (Adams, Sibanda and Turner, 1999) may vary from society to society. Generally, however, land tenancy and land use arrangements in most communities in Ghana may consist of long leases or outright purchase of land, annual or seasonal rents/hire of land, labour tenancies of varied forms, and share cropping. The form of tenancy determines, to a greater degree, what the land can be used for. This defines a clear distinction between access to land, the right to use the land and the ability to control the land. The question of control underlies how the tenancy or the terms of land transaction are understood and implemented.

The premium placed on cash payment as the main mode of transaction, rather than emphasising other forms of arrangements, has been identified by Yaro (2010) as problematic for the poor and marginalised such as women and migrants whose access to land is through social networks. Observing the changing tenancy practices in northern Ghana, and the increasing emphasis on cash payments, Yaro (2010) argues that, “access to land may deepen the poverty of the marginalised and poor groups of the society who hitherto could access land for use only, using social networks, as against ownership. This is because the customary system made it easier for women and migrants who could not own land in the property rights sense, to access land for their livelihood. With the changing access routes in favour of cash payment, such groups may not be able to access land again if they cannot purchase it for their use (Yaro, 2010:209).

As observed in the communities studied, the informal norms that regulated land access relied heavily on kinship systems among the Akan people. Matrilineal systems were predominant while patrilineal systems were used less often. In his paper, *Matriliney and the New Intestate Succession Law of Ghana*, Awusabo-Asare (1990: 7) provided a template that explains the inheritance scenarios that were observed in matrilineal communities from this study. In his submission, the patterns of inheritance in a matrilineal Akan society are:

‘If a male dies intestate, a uterine brother is the first in line to inherit his self-acquired property... The next to be considered, if there is no uterine brother, is the son of a uterine sister. It is this second preference which has been popularised as the "nephew inheritance" system among the Akan. The third option is one of the sons of the deceased's mother's sister. For the transfer of intestate property of a deceased female is first her mother, if she is still alive, or a uterine sister. In the absence of a mother or a uterine sister, a daughter (and in some cases a son) of the deceased becomes the next in line to inherit. Since it is matrilineal, a daughter or son can inherit the self-acquired property of the mother... However, if a woman acquires property such as a cocoa farm whose maintenance is considered to be a job for males, the woman's brother or son can take care of the property on her behalf.’

Amanor (2001), however sounds a word of caution in the use of such templates as ideologies or fixed categories for analysing inheritance patterns in matrilineal societies as the system is adapted to emerging and changing conditions. As such it is important to note that patterns that appear to be out of the norm are actually responses to economic conditions and factors of production.

Seasonal tenancy arrangements were also common among groups of migrant origins or landless indigenes. The insecurity and volatility of seasonal tenures are due to the greater likelihood of landowners repossessing land on very short notice. Nara, Lengoiboni and

Zevenbergen (2020) have argued that some systems of land control can reinforce inequalities by deteriorating security of access for the production of food crops, usually undertaken seasonally.

The increased social and economic demand for land (Blocher, 2006) is changing access, use and control of land, even for individuals and families whose access, use and control of agricultural land were hitherto unthreatened and unchallenged. Furthermore, the rising incidence of corporate land grabs as a result of the growing land commodification, unenforced regulations and lack of land use planning is threatening rural livelihoods. The acquisition of large areas of land by corporate players inadvertently leads to the dispossession of smallholders. These forms of dispossessions may threaten the livelihoods of those who depend directly on the land for their food supply (Gazdar, Khan and Khan, 2002).

Corporate land grabs do not only disrupt existing land tenancy systems and land use arrangements but also directly violate the land rights of indigenous people and local communities resulting in the loss of land as safety nets (Carrere, 2010).

2.1 Women and land access

Women make up the most vulnerable group when it comes to land access and use. The issue of limited access to land for women in Africa has been shaped largely by historical colonial precedents such as gendered land tenancy systems; ignoring women's contribution to the community and national life; and failing to recognise the different implications of policies on women's livelihood and outcomes (Tsikata, 2016). Anafo and Guba (2017) also attribute a lack of access and use rights to land for women to a failure to involve women in land use decision-making processes, leading to a weak bargaining position.

According to Tsikata, to address land tenancy issues properly, we must give 'attention to different interest groups and their fortunes' and 'discriminatory practices in access to and control of land' (Tsikata, 2016). Often, changes in land policy lead to worsening of land access problems for women, especially in cases of communal land ownership. The high costs of land, which was the consequence of the land policy, made land inaccessible to women in the Nkoranza District, who had a history of having limited access to capital (Anafo and Guba, 2017). Whitehead and Tsikata (2003) examined the contestations around a proposal to return to customary land tenancy systems as a solution to achieving gender justice. This proposal was met with opposition from women advocacy groups who argued that a return to the use of customary law

would not necessarily yield better land access and use rights for women. They preferred a government-led initiative with policies to ensure gender justice with land distribution. In essence, land reforms or changes in land access that do not deliberately provide alternatives for the vulnerable has the potential of worsening the challenges of access for such groups.

3 STUDY AREA AND SAMPLING

The Mporhor and Ahanta West districts are two of the 22 districts in the Western Region that are known for oil palm cultivation. The districts are located at the south-eastern end of the Western Region. Ahanta West District is to the west of Mporhor. The Mporhor District covers a total land area of 524.533km² and the Ahanta West District covers a land area of 673 km². According to the 2010 census data about 64 per cent of households in Mporhor District are engaged in agriculture, and 47.2 per cent of households in Ahanta West also engage in agriculture. The most common agricultural activities are crop farming, livestock rearing and poultry farming (Ghana Statistical Services, 2014). The five communities studied in these two districts are Adum Adominase, Butre, Kwesikrom, New Akwidaa and Pretsea.

This paper relies on the qualitative data collected for the Agricultural Policy Research in Africa (APRA) Oil Palm Commercialisation Project. The study was conducted as a follow-up to the baseline survey to throw light on some emerging quantitative findings. A multistage purposive sampling procedure was adopted. Since the qualitative study was a follow up to the quantitative study, four oil palm commercialisation channels were selected based on the different commercialisation models identified in the quantitative data – Benso Oil Palm Plantation (BOPP), Norpalm Ghana Ltd (NGL), Building Businesses on Values, Integrity and Dignity (B-BOVID), and an independent channel – with a fifth community combining all four commercialisation channels. The selected communities are Adum Dominase (BOPP), Butre (independent), Kwesikrom (NGL), New Akwidaa (mixed), Pretsea (B-BOVID). In each community, a minimum of five household heads were sampled. For each household, the next oldest member, who mostly happened to be a spouse, and the eldest dependent, were also sampled.

At the household level, interviews conducted lasted about an hour with each household head, and these were complemented with shorter interviews with spouses and dependents. In the sample, female heads of households tended to be divorced or widowed, hence there was no spouse to be interviewed. We also interviewed key actors in the oil palm economy in each community, including farmhands or workers, aggregators or buying agents, and processors. In

each community, we also conducted key informant interviews with chiefs and other traditional leaders, such as unit committee chairs or assembly members. We conducted two focus group discussions separately for males and females in each community. At the district level, we conducted expert interviews with district agricultural officers of the Ministry of Food and Agriculture in Mporhor and Ahanta West. Finally, we interviewed representatives of BOPP, NGL, and B-BOVID.

In all, we conducted 38 household interviews (separately with heads, spouses, and dependents), 25 interviews with actors in the oil palm industries (with labourers, buying agents, processors etc), 11 key informant interviews (with traditional rulers, agricultural extension officers etc), and two focus group interviews in each community, as well as one mixed focus group discussion of farmers and labourers at Adum Dominase. Fieldwork lasted for two weeks. The data was subsequently transcribed and analysed using the Atlas.ti Computer-Assisted Qualitative Data Analysis Software (CAQDA).

4 LAND TENURE PATTERNS IN MPORHOR AND AHANTA WEST

Land for farming is acquired through different tenurial arrangements and these arrangements are informed by the status of the farmer; whether they are indigenes, or migrants. Community norms also influence the actual type of land arrangements that exist. Additionally, the type of crop farmed also determines the kinds of land tenure arrangements that persist in the community.

Three main forms of land systems were observed from the study of oil palm cultivation in the Mporhor and Ahanta West districts. First, land is vested in chiefs, in which case land was considered stool land and was allocated to residents (both indigenes and migrants) for farming purposes. Under this system land was allocated to male household heads who in turn allocated portions to their spouses or children for farming. This tenancy system was prevalent in Pretsea and its villages, where the land is owned by the stool and vested in the chief of Pretsea. A similar system was prevalent in Kwesikrom and Akwidaa which was under the control of the chief and land-holding families of Dixcove.

In Pretsea, the tenancy arrangement allows land to be allotted to households or individuals (usually men) to use based on stipulated agreements with the chief, which requires that the land tenant contributes to the sustenance of the stool by paying levies when the need arises. In this arrangement, the land allotted to a tenant must be returned any time the chief needs it. Such incidents can occur when the chief wants to give land to an investor or a company who want to establish plantations. In Akwidaa, where there was a good mix of both indigenes and migrants, migrants often leased land from the Dixcove chief while indigenes often utilised family land allocated to them. In Kwesikrom, however, there were more migrant families than indigenes hence most land arrangements were negotiated with families from Dixcove or the chief himself.

The second type of land tenure system is land allocation through families. Here family heads are vested with the control and administration of the land. In these cases, matriliney plays an important role in land re-distribution. This guarantees access to land to all members of the matrikin, increasing women's access to land. The access and control of land guaranteed through family lineage enables some women to transfer the use and

control of land to their spouses for the establishment of plantations, as observed in Adum Dominase. Such land can therefore be passed on to the children of the woman as they are considered family. However, land that was acquired through the patrilineal line is lost upon the death of the patrikin who allocated it. In such cases, the land is reverted to the next matrikin. Also, in Butre, families own the land and passed on within the family. However, there is little room for expansion of farming activities due to the fact that the town is bounded to the south by the Atlantic Ocean and inland by a number of farming communities.

In the third case, individuals were able to acquire land through rent or a share cropping system. In a few instances, individuals also acquired and registered large tracts of land for farming on lease or full purchase agreements. This land eventually becomes the personal property of the individual and communal land ownership norms cease to apply. This third category was common in Akwidaa and Kwesikrom.

4.1 Land tenancy patterns and land access for different groups

The three main groups discussed in this study are indigenes, migrants and women. There are different land arrangements for indigenes and migrants. Women play very important roles in aiding the acquisition or retention of land although they may not be directly engaged in oil palm cultivation.

Indigenes

Most indigenes in the study area acquired land from their matrilineal families. A piece of land allocated to an indigene can be held for a period of time, based on the customs of the community. A farmer from Butre explains how he acquired his farm land:

'I got the land from my [matrilineal] uncle. He was one of the old people who fought for the land. So, whoever had ability to farm could do it. So, my uncle used to farm the land until he died. Then I also started to farm the land' (Kojo, farmer, Butre).

This system of land transfers has ensured the access of smallholders to farm land for generations. The practice has also maintained the communality of land and minimised the risk of sole ownership.

In each of the five communities, indigenes had access to use land but did not have the right to sell it. This was explained by a farmer in Pretsea when asked how he obtained his 6ha of land.

'I got it from my uncle. We work on it to serve Nana Kwaku Tia I [the traditional ruler]. All the land belongs to him so we don't sell the land... if you want land to buy, [you will] have to see the chief and make payment and you will be given a place... I would have to inform my chief before I give out any land' (Nana, community leader, Prestea).

Although indigenes do not pay for land in some cases (as recorded in Prestea), when the need arises land users are required to pay levies for community projects. One farmer explains how this system works:

'The arrangement is that when there comes the need to raise funds for the community, we are given a levy to pay. Recently there was a proposal to measure everyone's land and what is planted on it so that we are billed annually for it. The farms were measured recently but there was a little problem so the annual fees have not yet been given. Apart from that, the only time we have to pay for something is when there is an announcement that there is a problem in the community and each farmer should pay a specific amount of money. Other than that whatever you plant and harvest is yours until there is a levy' (Ebo, farmer, Pretsea).

Indigenes often are prioritised in land distribution for oil palm cultivation. However, there exist differences in communities on how land is allocated for use for women and men. Matrilineality plays a major role in how indigenous women acquire land for farming.

Matrilineality and land access for indigenous women

The customary law under which most Akan communities practise matrilineal inheritance provides varied scenarios, yet follows a certain rule of logic. In communities where land acquisition was based on inheritance, matrilineality played a key role in land allocation and access. This was especially true for women. For instance, in Adum Dominase, cash crops, especially oil palm, are cultivated mainly by men. The crop is generally considered a male crop because of the financial resources and physical strength needed to keep such farms. For this reason, even though the

matrilineal systems of inheritance often gave women access to farmland, men were usually the ones who were able to utilise the land for cash crop production. This sentiment was expressed by a community leader in Adum Dominase:

'As for a female, we will not give you the land. A woman coming to acquire land for farming is not common. Maybe her husband is part of the plan. Women don't have the energy to do farming work. I have not met women in this area engaging in farm work like that. It is very tedious' (Agya Yaw, farmer, Adum Dominase).

Most of the households sampled in this community presented a pattern where women provided land on which their husbands farmed. In cases where men were using family land, the land was allocated from either the matrilineal or patrilineal of their wife. This created a partnership where farms were owned jointly by married couples.

'I got the land because it belongs to my family... No. The land did not belong to him (husband). He was not an indigene of this place. I am and I got the land from my family. We inherited the land and I am currently the one using it. The land belonged to my brother. Most of the people I shared it with have passed... I can't sell the land but I can farm on it. If there would be any sale then the elders must be the ones who make that decision' (farmer, Akua Butre).

There is a clear distinction between who owns the land, and what is planted on the land. Cash crops are considered 'inheritance' while the ownership of land was transient. The idea that land is owned communally affects the ways in which property is conceptualised in oil palm communities. One's right to the land is based on kinship ties but more crucially in many cases one's right to use land is more secure when the benefactor is still alive. For instance, one may lose land allocated to them. Because oil palm is mostly cultivated for commercial purposes and its economic importance can stretch for decades, its commercial importance and its status as a source of income for most households establishes it as property. Hence, oil palm crops can overlap the expiration of one's land tenancy. For instance, when one loses tenancy upon the death of the kin that legitimises their access to that land, palm trees already planted prior to the loss of tenancy are allowed their full economic lifespan before land is repossessed. In response to her access and ownership of land for farming a respondent replied that:

'The land was given to us [my husband and I] by my father. He died two years ago. He gave

it to us to work on it so that he would have something to eat [provide an income] ... When the [palm] trees are old and I uproot them, my father's relatives will come for the land' (farmer Alhassan's wife, Adum Dominase).

In many instances, women in Adum Dominase had access to at least two different sources of land; one from their patrilineal family and the other from their matrilineal family. Land that is obtained from the matrilineal family often can be maintained and passed on to the woman's children (preferably daughters). In the following extract the respondent provides an example of how this works when she began to clarify the different types of land resources she has:

'The one we discussed earlier belongs to my husband. But the one that belongs to me is the one that BOPP want to acquire for small-scale farming...It belongs to me and my mother' (farmer Kofi's wife, Adum Dominase).

The land acquisition practices of this community in their ideal form are supposed to provide for the land needs of every member of the community. Thus, men get temporary access to land either through their maternal family or through their wife's maternal family. Women also get temporary access through their husbands or through their fathers. In addition, women who are indigenes often can inherit the land and pass on land through the matrilineal system. In most instances, women and their spouses often have land from either side of their family to fall back on at one point in time. However, in some cases, especially when the land being used belongs to the patrilineal side of her family, loss of land becomes probable. In response to how a person can lose land, a respondent shared her experience:

'My father has land. When he died his siblings seized the land and rented it to other people to farm on. We have started fighting to get the land back but the case is still being heard. [My current husband] had one [oil palm farm] but he has sold it. The one we have now belonged to my deceased ex-husband. So now if we uproot the palm trees on it the land will return to my deceased husband's family... currently I can cultivate the palm trees on it. But if I uproot these trees – when the tree becomes of age and I uproot them I cannot plant new ones. They [husband's family] will take back the land' (farmer Akua's wife, Adum Dominase).

Tenancy and land use arrangements for migrants

Migrant farmers acquired land either through marriage to an indigene, sharecropping, or through a direct lease. In the following extracts, there are examples of how migrants acquire farmland. A migrant farmer who is married to an indigenous woman in Adum Dominase explained the first instance:

'They are two separate farms; one is half a pole² which is not very far from where we are seated right at the moment whereas the other one is about a full pole...They belong to my wife...They belonged to her [wife's] father and so he gave it to her' (Kwamena, farmer, Adum Dominase).

Sharecropping, as practised in the area of study, involved paying for the use of farmland by giving an agreed portion of the yield or profits to the landowner. While sharecropping was not featured among indigenes, for migrants it served as the only option for those who were neither married to indigenes nor had the financial means to lease land for farming. In the example below in the Anlo community, in Daborkrom, a migrant in a village in Pretsea was well known for sharecropping as they had no right to use the land. This was explained by a community leader:

“Abusa” [sharecropping] means that you divide your harvest into three and give one-third to the stool. We do “abusa” with those from Anlo who are in Daborkurom and grow cocoa’ (community leader, Pretsea).

Another way migrants obtain land for farming is through a direct lease from the owner. This was the case for a farmer in Akwidaa who had the means to lease the land for a period of 19 years. He explained, ‘the land was leased to me... We were given a lease of 19 years. So, after you have uprooted the palm trees (after they are old) you would have to go and renegotiate the lease,’ (Asare, farmer, Akwidaa).

Though the procedures of accessing and paying for the use of land for oil palm cultivation may vary, there are common practices. In order to access community land which is usually vested in chiefs, an initial lump sum payment, a form of commitment fee, for the land is required. This is even expected of indigenes who may not have access to family land. In addition to the lump sum payment, an annual fee is determined which is paid by the tenant so long as the palm trees remain standing on the land. The annual payment is based on the size of land. This process was thoroughly explained in a focus group discussion at Prestea:

2 1 pole is equivalent to about 0.24ha

'You'd have to pay for the land first to the chief. Then afterwards we have an arrangement called "Ntor" where even after the down payment is made to the chief, you'd be charged an amount every year. For instance, if the size of the land is 2 poles, you'd pay GH¢60 every year after having made the down payment... actually a pole is GH¢30 per month. Now after having made all these payments, when you cut down the palm trees after cultivation and you're about to replant on the same land, you divide the amount you earned from selling the palm trees to the tappers into three; you take two and give the chief one' (male focus group discussion participant, Pretsea).

As noted in the quote, the chief still retains a share in the sales of the palm trees which are sold to palm wine tappers. The terms for the use of family land are similar, though the sharing of proceeds from spent trees is not demanded in all cases involving family-owned land.

'Tenants are not forced to share the money they make from selling the old trees to tappers, we don't do it that way in this community. If you want land for oil palm you see families that have lands and even if you want 10 poles [4ha], they will sell it to you as long as you have the money to pay for it... So, at the end of the year, during the time for *Kuntum* [Annual festival sometimes referred to as '*Kundum*'], if you bought let's say 5 poles and each pole is GH¢50 then you know that you have to pay GH¢250 to the family so that they can use it for whatever they would like to use it for' (male focus group discussion participant, Kwesikrom).

In the communities studied, though the land is technically not sold, the demand for money in the transaction connotes that only those with the resources to pay what is demanded by landlords can have access to land. The highest bidders therefore become the automatic owners of land and will be able to invest in oil palm since sharecropping arrangements are not common among oil palm farmers. The most important factor in gaining access to land for oil palm production is the ability to pay, as intimated by Yanney a farmer who doubles as a processor of oil palm at Kwesikrom:

'As for the land you will always get one if you have the money to satisfy the land owners' demands. If you don't have the money then you will not get the land to do what you want. You will have to go to people who have the land and let them know that you are interested. If there is land, you would have to pay and have access to the land.'

A renegotiation is required for the replanting of the land if the tenant so desires as the felling of the spent trees brings an end to the land use agreement/arrangement. Since the absence of trees on a land is ordinarily taken as the natural end of a land use agreement, some land owners repossess the land once such an incident occurs. Tenants are thus required to renegotiate with the landowner in order to replant the land. Inability to renew the lease contract through payment will lead to repossession of the land.

'The land belonged to someone so that person has retaken the land. There are instances where people lease the lands so I am sure that was the situation in this case because the farm was destroyed and the owner just reclaimed ownership of the land. Yes, there are owners of the land so if you cut down the destroyed palm trees and you are unable to pay the renewal of your lease, they'll retake their land. It doesn't matter if you are a native of the community or a migrant so long as you don't own the land, the owner can retake it' (Aba, female household head, Kwesikrom).

The practice of repossessing land after a certain point is in keeping with the notion that land constitutes a collective asset to the family and the community. Investments made on the land is counted apart from the land on which they are sited. For instance, the use of family land to cultivate oil palm does not imply the extension of ownership to the land. The oil palm may be claimed so long as it is fruiting and viable. Once it loses its viability the land reverts to the family, clan, community or the original land owner.

'...the reason it is like that is because the land is actually not sold to the person completely but rather leased out to the farmer. The family will take back their lands in a certain number of years. You cannot therefore give such lands as an inheritance to your children even for family members who establish oil palm on family lands. In the case of the land on which my oil palm is located, my children can even lose that land because it belongs to the family I bought the land from. Also, my child is required to give a token to me every year, if I have given the land to him, so that the necessary rituals needed to be performed are done (Joojo, farmer, Kwesikrom).

Apart from granting land use rights on an annual or seasonal basis, long leases dominate, especially for the cultivation of oil palm and other cash crops such as rubber. As noted in earlier sections, acquisition of land for such purposes are either through inheritance, land owning families, individual land owners and chiefs.

5 LIVELIHOOD IMPLICATIONS OF INSECURE ACCESS TO LAND IN OIL PALM COMMUNITIES

The monetisation of land tenancy and land use arrangements, in addition to threats to security of tenure such as forceful repossession by landlords and corporate land grabs, have immense impact on smallholder engagement in the oil palm value chain. The community leader at Butre poignantly noted the implications of monetised land use arrangements on investments and how certain groups are pushed out.

'...now the land is getting exhausted, but if you have the money, you can get one. The problem now will be the money to buy the seedlings, pay the labourer and get the inputs required. By the time you finish talking about the land and paying all the money you will not have the strength to go on. We used to just go and beg for the land and then we are given. The only thing is that you give the family or the landowner something at the end of the year or when you harvest and sell' (Kwao, farmer/processor/community leader, Butre).

The result is the dominance of males and large-scale farmers who have the resources to invest after fulfilling the demands of families and land owners. This contributes to growing inequalities in these communities. Smallholder farmers, and especially women with very limited resources, are therefore unable to participate equitably in the oil palm value chain as producers. Women therefore engage in the value chain as local processors which have traditionally been carried out almost entirely by women either as individuals or with the assistance of family members. It must however be noted that the increased infusion of technologies in local processing is leading to a growing number of males being engaged as well, due to their ability to make the capital investment required.

As smallholder farmers fall out of the value chain, wealthier farmers and firms step in to establish large plantations. These plantations are managed under different configurations of contract farm arrangements that farmers participating in such schemes find frustrating. When asked about the nature of land commercialisation and its implication for subsistence farming, one farmer from Adum Dominase provided this summary of the agreement they had with BOPP

during a stakeholder meeting on a partnership programme introduced by the company to acquire land for commercial oil palm production:

'So, let's say your land produces 2t of fruits a season, they will bill you that money against their investments on the land. This would include the fertilisers and all that. The bill will be taken from the price of the palm fruits they harvest. They will give you some income at the end of every harvest too... We asked them [if they would allow us to plant other things for home consumption]. They told us that we would be allowed to plant cassava on the land in the initial stages but they won't allow any other crop to be added... We have complained and disagreed on several occasions at the meetings we held with them. The chief is the one they are dealing with and he has already made up his mind. So, they are going to do what they want to do' (Kwame, farmer, Adum Dominase).

In the case noted above, the negotiation of land between the oil palm company and the community was done through the chief, although there were disagreements about his legitimacy to negotiate land on behalf of the community. This is because ownership of land in Adum Dominase was based on the principle of first ownership. Based on this principal, land rights and the decisions associated with land were vested in family heads and not chiefs. The new approach to commercialising agricultural land is therefore changing the ways in which decisions about land and its access are made.

In most instances repossessed land is immediately taken over by others. Despite the seeming willingness of landowners to give out land for farming (seasonal or long lease), availability and accessibility is gradually waning. The ongoing transition from the cultivation of oil palm to rubber, which is fast becoming the preferred crop for most landowners due to the financial incentives and market challenges with buyers and processors, is partly responsible for this trend. The idea that accessing land has become difficult was intoned many more times than any phrase throughout engagements with farmers and focus group discussions.

6 CONCLUSION

Land tenure and land use arrangements have implications for land access for smallholder farmers. Access to land is, however, mediated by a contextual architecture of entitlements expressed in customary laws and allodia rules which influence the right to use and control land. As with other customary based rights, the rules of access, use and control of land, privilege certain groups in society while constraining others.

Land access is differentiated based on gender, origin and economic status (Apusigah, 2009; Tsikata, 2016; Bryceson, 2019). Ordinarily, all members of the lineage have access to use clan or family land, but patriarchal influences and other factors such as financial resources tilt the balance of ownership in terms of size of land to males. This stems from the intersection of gender, social, cultural placement of women and access to financial resources to develop the land once they obtain the right to access and use it. This is coupled with the first clearance principle where males are largely those with the capacity to break into forested land. Women who are able to take advantage of the first clearance principle are those with the financial muscle to pay

labourers to clear the land on their behalf. Improved access, therefore, does not necessarily guarantee usage and control of the land.

The growing monetisation of land tenancy arrangements have shifted the transactional currency of land use arrangements from social networks and connections to cash payments. All forms of tenancies are negotiated based on agreed cash payments. The increased reliance on cash payment is reshaping land tenancy arrangements with the emergence of conflicts due to dispossession and repossession. Smallholder farmers whose revenue streams and income are limited are thus forced off land by farmers with the capacity to pay for the lease of land. The impact of such changes includes the gradual displacement of smallholder farmers from cash crop farming, and the disproportionate focus on the production of cash crops, which has food security implications. The commercial farmer-led production systems though may guarantee supply of fruits to processors, potentially threatening the place of smallholders, especially women in oil palm commercialisation.

REFERENCES

- Adams, M., Sibanda, S. and Turner, S.D. (1999) *Land tenure reform and rural livelihoods in Southern Africa*. London: Overseas Development Institute.
- Amanor, S.K. (2001) *Land, Labour and the Family in Southern Ghana: A Critique of Land Policy under Neo-liberalism*. Uppsala: Nordiska Afrikainstitutet.
- Anafo, D. and Guba, B. (2017) 'Do land reforms have adverse impacts on the livelihoods of poor land users? Evidence from the Nkoranza South Municipality, Ghana', *Canadian Journal of African Studies/Revue Canadienne Des Études Africaines* 51(2): 293-318.
- Apusigah, A.A. (2009) 'The gendered politics of farm household production and the shaping of women's livelihoods in Northern Ghana', *Feminist Africa* 12(12): 51-67.
- Asante, K.T. (2021) *Political Economy of the Oil Palm Value Chain in Ghana*. APRA Working Paper 54. Brighton: Future Agricultures. Available at: <https://opendocs.ids.ac.uk/opendocs/handle/20.500.12413/16677> (Accessed: 9 October 2021).
- Asiama, K.O., Bennett, R.M. and Zevenbergen, J.A. (2017) 'Land consolidation on Ghana's rural customary lands: Drawing from The Dutch, Lithuanian and Rwandan experiences', *Journal of Rural Studies* 56: 87-99.
- Awusabo-Asare, K. (1990) 'Matriliney and the new intestate succession law of Ghana', *Canadian Journal of African Studies/La Revue Canadienne des études Africaines* 24(1): 1-16.
- Blocher, J. (2006) 'Building on Custom: Land Tenure Policy and Economic Development in Ghana', *Yale Human Rights & Development Law Journal* 9: 166-202.
- Bryceson, D.F. (2019) 'Gender and generational patterns of African deagrarianization: Evolving labour and land allocation in smallholder peasant household farming, 1980–2015', *World Development* 113: 60-72.
- Carrere, R. (2010) *Oil palm in Africa: Past, present and future scenarios*. World Rainforest Movement Series on Tree Plantations, No. 15. Available at: https://wrm.org.uy/wp-content/uploads/2014/08/Oil_Palm_in_Africa_2013.pdf (Accessed: 7 October 2021).
- Gazdar, H., Khan, A. and Khan, T. (2002) *Land Tenure, Rural Livelihoods and Institutional Innovation*. Mimeo: DFID (UK). Available at: http://researchcollective.org/Documents/paper2_land_tenure.pdf (Accessed: 10 March 2021).
- Ghana Statistical Services (2014) *2010 Population and Housing Census: District Analytical Report, Mporhor District*. Accra: Ghana Statistical Service.
- Goedde, L., Ooko-Ombaka, A. and Pais, G. (2019) 'Winning in Africa's agricultural market', *Mackensey and Company* [online], 15 February: Available at: <https://www.mckinsey.com/industries/agriculture/our-insights/winning-in-africas-agricultural-market> (Accessed: 3 May 2021).
- Hill, P. (1961) 'The Migrant Cocoa Farmers of Southern Ghana', *Africa: Journal of the International African Institute* 31(3): 209-230.
- Jayne, T., Jordan, C. and Headey, D. (2014) 'Land pressures, the evolution of farming systems, and development strategies in Africa: A synthesis', *Food Policy* 48: 1-17.
- Khatun, K., Maguire-Rajpaul, V.A., Asante, E.A. and McDermott, C.L. (2020) 'From agroforestry to agroindustry: Smallholder access to benefits from oil palm in Ghana and the implications for sustainability certification', *Frontiers in Sustainable Food Systems* 4(29).

- Kirsten, J., Dorward, A.R., Poulton, C. and Vink, N. (2009) *Institutional Economics Perspectives on African Agricultural Development*. Washington DC: International Food Policy Research Institute.
- Kline, A., Moore, É., Ramey, E., Hernandez, K., Ehrhardt, L., Reed, M., Parker, M., Henson, S., Winn, T. and Wood, T. (2019) 'Whose Land Is It Anyway? Navigating Ghana's Complex Land System', *Texas A&M Law: Review* 6(1). Available at: <https://doi.org/10.37419/LR.V6.Arg.1> (Accessed: 12 October 2021).
- Martey, E., Al-Hassan, R.M. and Kuwornu, J.K. (2012) 'Commercialization of smallholder agriculture in Ghana: A Tobit regression analysis', *African Journal of Agricultural Research* 7(14): 2131-2141.
- Nara, B.B., Lengoiboni, M. and Zevenbergen, J. (2020) 'Implications of Customary Land Rights Inequalities for Food Security: A Study of Smallholder Farmers in Northwest Ghana', *Land* 9(6): 178.
- Tosh, J. (1980) 'The Cash-Crop Revolution in Tropical Africa: An Agricultural Reappraisal', *African Affairs* 79(314): 79-94.
- Tsikata, D. (2016) 'Gender, Land Tenure and Agrarian Production Systems in Sub-Saharan Africa', *Agrarian South: Journal of Political Economy* 5(1): 1-19.
- Whitehead, A. and Tsikata, D. (2003) 'Policy Discourses on Women's Land Rights in Sub-Saharan Africa: The Implications of the Re-turn to the Customary', *Journal of Agrarian Change* 3(1-2): 67-112.
- World Bank Group (2021) 'Agriculture and Food: Overview', *World Bank* [online], 4 October. Available at: <https://www.worldbank.org/en/topic/agriculture/overview> (Accessed: 3 May 2021).
- Yaro, J.A., Teye, J.K. and Torvikey, G.D. (2018) 'Historical context of agricultural commercialisation in Ghana: Changes in land and labour relations', *Journal of Asian and African Studies* 53(1): 49-63.
- Yaro, J.A. (2012) 'Re-inventing traditional land tenure in the era of land commoditization: some consequences in peri urban northern Ghana', *Geografiska Annaler: Series B, Human Geography* 94(4): 351-368.
- Yaro, J.A. (2010) 'Customary tenure systems under siege: contemporary access to land in Northern Ghana', *GeoJournal* 75(2): 199-214.
- Zhang, Q.F. and Donaldson, J.A. (2008) 'The Rise of Agrarian Capitalism with Chinese Characteristics: Agricultural Modernization, Agribusiness and Collective Land Rights', *The China Journal* 60: 25-47.

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