

Article

## The Chieftaincy Institution in Ghana: Causers and Arbitrators of Conflicts in Industrial Jatropha Investments

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**Abstract:** Large-scale land acquisition in Africa has been the concern and the focus of growing global literature on land grabbing. The upswing in biofuel investments in Ghana led to large-scale land acquisitions by the private sector presided over by chiefs. This research investigates how chiefs, in playing their traditional roles in the acquisition of land and as arbitrators, were, in most instances, the cause and the solution to the ensuing conflicts in the various communities. Data was collected through interviews, use of questionnaires and focus group discussions. Some of the conflict issues include loss of farmlands or other communal lands, disagreements on the land acquisition processes, the quantum and mode of execution of compensation payments and the existence or contents of social responsibility agreements. Furthermore, the use of negotiation, mediation and courts by people in these communities relative to arbitration by chiefs is increasing. The Government of Ghana needs to strengthen the public sector land institutions and put in place stronger and binding mechanisms for resolving disputes arising from large-scale acquisitions of land to cushion the effect of the weakening confidence in the chieftaincy institution.

**Keywords:** chiefs; conflicts; land; biofuels; Jatropha; Ghana

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## 1. Introduction

The land tenure system in Ghana is an amalgam of customary rules and recent statutory overlays [1–3]. Customarily, land is communally owned, and customary trustees, such as chiefs, Earth priests, clan heads and family heads, hold the allodial interest in land in trust for the people. Individual members of a land owning group derive a usufructory interest (this is similar to customary freehold), which under customary law is perpetual and inheritable. The customary freeholders are allowed to use the land for farming and to build upon for their personal use. They are also able to allocate their land to non-members of the land owing community for subsistence farming under various tenurial arrangements, such as *abunu* (one-half sharing) and *abusa* (one-third sharing) in the cocoa growing areas of Ghana, or for seasonal farming of food crops, such as cassava and tomatoes. However, the allocation of land for commercial agriculture and for non-agricultural use, such as building plots, are done by the respective customary trustees, as indicated above, who receive rent and royalties on behalf of members of the land owning group.

In most of southern Ghana, especially in the Akan speaking areas, chiefs have gradually attained jurisdictional and proprietary authority over land resources [3]. However, in the northern part of Ghana, the situation broadly differs. In most parts of the upper regions, the allodial interest in land is under the authority of *Tendembas* (the Earth priests). In such areas, chiefs only exercise jurisdictional authority over the people and are therefore limited in the control exercised over land allocation. For example, among the Bimoba and many other acephalous tribes of the Northern Region, family heads rather than the chiefs have the proprietary authority to land. Therefore, land rights within any lineage are derived through gifts and inheritance and non-members of the lineage through rent, tenancies, customary mortgage and land pledging. It is imperative to also point out that through the administrative practice of the public land sector agencies in Ghana, chiefs are usually required to give consent to land transactions within their area of jurisdiction. Thus, although Earth priests, clan and family heads may allocate land, chiefs are required to give their consent to the transaction before land can be registered. On the other hand, the government can compulsorily acquire land through the invocation of the appropriate legislation, for use in the public interest [3–6]. The processes for land acquisition in Ghana, therefore, vary from place to place and, most importantly, are regulated by customary practices and statutes. The laws of Ghana do not allow freehold land transactions, and therefore, land may be acquired for any use through a renewable maximum lease term of ninety-nine (99) years [1,4,5]. It is important to state, therefore, that chiefs, by virtue of their traditional and statutory roles, are key players to the land acquisition process in Ghana. Not only do they facilitate the process, as the case may be, but they adjudicate over land litigations within their jurisdiction, for a customary token fee.

Because of this important role chiefs play in the land sector, chiefs or the chieftaincy institution are guaranteed in the Constitution of Ghana. The Constitution also recognizes customary law as a source of law in Ghana and explicitly states that the management of stool lands are to be in accordance with the relevant customary laws and usage [4,7]. Whilst this institution is part of the traditional heritage of most societies, the roles of chiefs have, however, changed from the pre-colonial times through the colonial period of indirect rule and post-colonial administrations. Indirect rule did not only empower the chiefs, but they also took advantage of their new found powers to build empires that eroded their

accountability to their subjects [3]. On the other hand, the erosion of their chiefly jurisdiction and functions as arbitrators and embodiment of the traditions of a community has been documented in our recent democratic dispensation [3,8–11]. Colonization and the prescription of Western models of leasehold and freehold tenure to promote tenure security, agricultural investment and land markets in the colonial and post-colonial administrations also reduced the influence of some of these communal traditional structures and institutions [2,3,12–14]. Due to the waning influence of this institution, chiefs have, in recent times, been engaged in providing development through the setting up of education funds, participating in HIV/AIDS education and sensitizing the people on the dangers of environmental degradation as a strategy for maintaining their relevance in modern Ghana, retaining power and earning a living [10,15].

Despite the changing influence of chiefs in Ghana, over 80% of land is under the control of chiefs [2,6,16]. Chiefs, therefore, have a strong influence on the political economy, industrial development, agricultural productivity and the construction industry [2,6,17]. This is because, as explained above, the chieftaincy institution is involved in all large-scale land acquisition processes irrespective of the land tenure arrangement in the jurisdiction through renewable leases of up to 50 and 99 years' duration for foreigners and citizens, respectively, for agriculture [6]. Tenure practices may vary locally according to village settlement history and population density, the availability of unfarmed land and the political authority of the chieftain [12]. In any case, traditional councils, typically comprised of a paramount chief and some village elders, are bestowed with the sole authority to negotiate and approve the allocation of customary land in accordance with the Administration of Lands Act 123 of 1962. Despite these statutory land arrangements for land acquisition, customary land users often lack documented rights to land and, therefore, are often at the mercy of the traditional council's capacity and will to act in accordance with their fiduciary responsibilities.

Amidst these land tenure challenges, the evolving roles of chiefs and conflicts, the large-scale acquisition of land for biofuels started ahead of any regulation and national policy framework on biofuels in Ghana. There was a worldwide trend in large-scale land acquisitions between 2005 and 2009 that caught up with Ghana. For example, in Cambodia, Guttal [18] describes a situation of land-grabbing in rural and urban areas, creating landlessness, homelessness and destitution on a massive scale. India established Special Economic Zones by setting aside lands for investment, which negatively affected its rural populace [19]. The Ethiopian government embarked on a development agenda leading to the award of millions of hectares (ha) of land to foreign and national agricultural investors [20,21]. There is also a report of land concentration and “foreignization” in Uruguay with negative long-term consequences [22]. The lands acquired in Sudan, Ethiopia, Nigeria, Ghana and Mozambique, all in Sub-Saharan Africa, during this period together accounted for more than 23% of projects worldwide [16,23]. Large tracts of land are still being acquired by both local and international investors, because Ghana is seen to have a good potential for agricultural investment (Table 1). It is estimated that a total of 769,000 hectares of agricultural land was acquired by foreign companies mainly for agrofuels production [24,25]. These developments were widely discussed by the local media, civil society organizations and academia [24–33]. The predominant conflicts reported, thus far, are related to land [24,27,28,34–36].

These global developments in large-scale land acquisitions also triggered interest in land and the chieftaincy institution in Ghana. Research and publications relevant to this study are about the history

of chieftaincy [3,7,15,37], chieftaincy and governance [2,3,9–11,17,23,37], customary land tenure and management [1,3–5,14] and politics and chieftaincy [3,8,13]. Relevant publications with respect to the *Jatropha* industry in Ghana have been on the effects of large-scale land acquisition on food security and the socio-economic lives of people [23,24,26–29,36,38–42], the rights and commodification of land [14] and conflicts [43]. Whilst most of these were newspaper publications and did not undergo any rigorous scientific review process, none of these publications discussed the roles of chiefs in the broader issue of large-scale land acquisitions and, in particular, their roles in conflicts associated with *Jatropha* in Ghana.

**Table 1.** Land use characteristics of Ghana [44].

Characteristic	Size
Surface area (km <sup>2</sup> ) of Ghana	238,540
Agricultural land (km <sup>2</sup> ) in Ghana	148,500
Agricultural land (% of land area) in Ghana	65.3
Permanent cropland (% of land area) in Ghana	10.6
Arable land (hectares per person) in Ghana	0.2
Arable land (hectares) in Ghana	4,100,000
Arable land (% of land area) in Ghana	18.0
Forest area (% of land area) in Ghana	23.2
Forest area (km <sup>2</sup> ) in Ghana	52,862

Furthermore, at the time the biofuel industry was being promoted in various countries, *Jatropha* was thought to grow on marginal lands without any additional inputs. However, recent literature shows that for good performance and competitive production, sufficient rainfall, nutrients and good management practices are crucial [45–47]. Even if marginal lands are used, the production of energy crops on marginal lands has a low energy return per area of land, and land occupation can be considerably larger than if crops were grown in high productivity sites. In any case, industrial *Jatropha* cultivation should be planned very carefully, so as not to exploit all potential agricultural land and probably push the cropland frontier into the already sparse and threatened natural vegetation areas [46].

During the colonial period, British policies of Indirect Rule and policies for the regulation of land exploitation led to the incorporation of local or “customary” laws into a unified common law system. Recent legal reforms have incorporated all forms of land tenure, including customary, into a single statutory and common law framework and subjected transfers to both title registration and centralized regulation by the national Lands Commission [6,34,37]. Ghana’s National Land Policy seeks, amongst other things, to harmonize the legal and regulatory framework for land administration through law reform, establishment of special land courts and strengthened customary land authorities, as well as comprehensive mapping and registration of land holdings and land rights, both customary and modern [48]. In this context, a key challenge is how the chieftaincy institution will continue to play its traditional roles within the context of national policies and formal state institutions and, at the same time, effectively address or manage growing conflicts over land amidst dwindling confidence, changing roles of chieftaincy and rising local and international interest in land. This is because, apart from the powers to negotiate and alienate land on a commercial scale, they are also arbitrators of traditional matters within their jurisdiction. This research therefore sought to assess the chieftaincy

institution in relation to the conflicts that arose due to industrial *Jatropha* cultivation in the various communities in Ghana.

## 2. Method

To obtain representative information on the conflicts associated with industrial *Jatropha* cultivation in Ghana, the country was stratified into three zones to reflect the major vegetation zones, agro-ecology and political divisions. The southern and coastal zones cover the forest and coastal savannah belts of Volta, Central, Western and Greater Accra Regions. The Middle Zone covers the forest and transition zones of Ghana and lays within the political divisions of Ashanti, Eastern and Brong-Ahafo Regions. The Northern Zone covers the Savannah belt made up of the three northern regions. The list of *Jatropha* companies registered in Ghana was collected from the Ghana Environmental Protection Agency. The data collection methods, communities and associated companies that were identified and studied are presented in Table 2.

The questionnaire used for this study was a list of structured questions that were mostly closed-ended. This survey was to provide insights into what to specifically ask during the detailed interview sessions that were to follow and to further identify some important stakeholders. The sample populations were residents and traditional authorities of communities that were affected by *Jatropha* cultivation. These residents were involved in various livelihood activities, including workers of companies that had acquired land for *Jatropha* cultivation. In all, 234 respondents were contacted from the various communities.

The first contacts were usually community administrators, e.g., the assemblyman or unit committee chairman, who provided the initial list of possible respondents. Subsequent respondents were identified by snow-balling among community members. This method was chosen, because the target respondents in each community were unknown, and snowballing provided a means of estimating the population of affected persons. The questionnaire administrators were also chosen from these communities, so that respondents felt comfortable speaking to the issues. These questionnaire administrators were given a general overview and purpose of the research and guided step-by-step through the questionnaire. Each person pre-tested a sample questionnaire in the local language, and the issues with translation were resolved at each community. Questionnaires were then administered one-on-one to the chosen respondents. Field notebooks were also provided to record any other information that a respondent provided that was relevant to the research, but not captured in the list of questions or responses.

From the survey using the questionnaire, respondents who had interest and knowledge of community issues were identified as key informants for later interviews or focus group discussions. The following respondents were interviewed: *Jatropha* company representatives, District Assembly members and traditional authorities. A list of questions for the various stakeholders was prepared and used as a guide. The interview responses were recorded on tape (mostly in vernacular) and later transcribed verbatim into English.

**Table 2.** List of communities and the associated Jatropha companies with the methods used to acquire data from the various stakeholders.

Study Zones	Study Communities	Numbers of Respondents			Type/Category of Respondent (e.g., farmers, company staff, etc.)			Name of Company at Study Site
		Questionnaire	Interviews	Focus Group Discussions	Questionnaires	Interview	Constituents of Focus Group Discussions	
Southern Sector/ Coastal Belt	Lolito	35	2	13	<ul style="list-style-type: none"> <li>• Farmers</li> <li>• Company workers</li> </ul>	<ul style="list-style-type: none"> <li>• Togbe % Agbodemegbe</li> <li>• Farm watchman</li> </ul>	<ul style="list-style-type: none"> <li>• Farmers</li> <li>• Company workers</li> </ul>	Biofuel Africa
	Adidome	12	2	11	<ul style="list-style-type: none"> <li>• Farmers</li> <li>• Company workers</li> </ul>	<ul style="list-style-type: none"> <li>• Company farm manager</li> <li>• Togbe Hadzor IV</li> </ul>	<ul style="list-style-type: none"> <li>• Company workers</li> </ul>	Galton Agro Ltd
	Old Akrade	-	1	5	-	<ul style="list-style-type: none"> <li>• Chief of Old Akrade</li> </ul>	<ul style="list-style-type: none"> <li>• Company workers</li> <li>• famers</li> </ul>	Annuanom Industries
	Winneba	-	1	-	-	<ul style="list-style-type: none"> <li>• Manager of Anuanom Industries</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	Annuanom Industries
Middle Zone	Yeji	-	1	-	-	<ul style="list-style-type: none"> <li>• Agronomist/farm manager</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	Smart Oil
	Kobre	50	3	9	<ul style="list-style-type: none"> <li>• Farmers</li> <li>• Company workers</li> </ul>	<ul style="list-style-type: none"> <li>• Assemblyman ‡</li> <li>• Odikro * of Kobre</li> <li>• Unit Committee Chairman †, Konkomba</li> </ul>	<ul style="list-style-type: none"> <li>• Assemblyman</li> <li>• Farmers (4)</li> <li>• Odikro of Kobre</li> <li>• Okyeame @ of Kobre</li> <li>• Okyeame of Kojobofour</li> <li>• Unit Committee Chairman, Konkomba</li> </ul>	Kimminic Corporation
	Bredie-Camp	-	4	11	-	<ul style="list-style-type: none"> <li>• Unit Committee Chairman</li> <li>• Nana © Bright, Okomfo § of Bredie</li> <li>• Akwasi Nimo, link person to company</li> <li>• Madam Araba (wife of affected Farmer)</li> </ul>	<ul style="list-style-type: none"> <li>• Farmers at Camp</li> </ul>	Kimminic Corporation
	Kadelso	52	4	-	<ul style="list-style-type: none"> <li>• Farmers</li> <li>• Company workers</li> </ul>	<ul style="list-style-type: none"> <li>• Assemblyman</li> <li>• Youth chief</li> <li>• Company farm manager</li> <li>• Company country manager</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	Jatropha Africa

Table 2. Cont.

Study Zones	Study Communities	Numbers of Respondents			Type/Category of Respondent (e.g., Farmers, Company staff etc.)			Name of Company at Study Site
		Questionnaire	Interviews	Focus Group Discussions	Questionnaires	Interview	Constituents of Focus Group Discussions	
Middle Zone	Ahenakom	5	2	8	<ul style="list-style-type: none"> <li>• Farmers</li> <li>• Company workers</li> </ul>	<ul style="list-style-type: none"> <li>• Nana Dankwah Chief of Ahenakom</li> <li>• Village elder (marked out the land)</li> </ul>	<ul style="list-style-type: none"> <li>• Farmers</li> <li>• Company workers</li> </ul>	Savannah Black Farming and Farm Mgt Ltd.
	Agogo area	30	4	7	<ul style="list-style-type: none"> <li>• Farmers</li> <li>• Company workers</li> </ul>	<ul style="list-style-type: none"> <li>• Assemblyman</li> <li>• Mr. Frimpong (affected Farmer 1)</li> <li>• Anonymous (affected Farmer 2)</li> <li>• Company farm manager</li> </ul>	<ul style="list-style-type: none"> <li>• farmers</li> </ul>	ScanFuel/ScanFarm
	Kintampo Adventist Development and Relief Agency initiative	-	3	-		<ul style="list-style-type: none"> <li>• Farmers</li> <li>• District Director of Agriculture</li> </ul>		
Savannah zone	Kpachaa area	-	1	-		<ul style="list-style-type: none"> <li>• Farm watchman</li> <li>• Chief of Kpachaa</li> <li>• Assemblyman</li> <li>• Landlord of Jimle (Jurolana)</li> </ul>		Biofuel Africa

<sup>%</sup> Tobge is a title that precedes the stool names of chiefs in Ewe traditional areas; <sup>©</sup> Nana is a title that precedes the stool names of chiefs in Akan traditional areas;

<sup>\$</sup> Okomfo is the chief fetish priest of an area. He is a member of the landowning family, a royal and is part of the council of elders in Bredi. <sup>@</sup> Okyeame is the spokesperson of the chief in Akan traditional areas of Ghana; <sup>\*</sup> Odikro is the village chief in an Akan traditional area. He will usually answer to the paramount chief of the area, the Omanhene; <sup>±</sup> the Unit Committee Chairman is the chairman of the unit, which forms the lowest level of the local government decentralised structures in Ghana;

<sup>¥</sup> the assemblyman of an area is an elected member to the district assembly.

The focus group discussion was conducted to verify claims made in the individual interviews and questionnaires. The key informants identified and selected after administering the questionnaires and interviews were brought together for focus group discussions to bring closure on the issues that had been raised. Furthermore, focus group discussions were used in very small communities, where it was difficult to identify more than 10 respondents who had been affected by the *Jatropha* industry. Each focus group was usually made up of about 8–10 respondents of preferably the same gender and similar age range. This research was conducted between August and November 2011.

### 3. Results

#### 3.1. Conflicts Arising from *Jatropha* Investments

Historically, in all the study communities, there have been natural resources-related conflicts before the land acquisition for industrial *Jatropha* cultivation (Table 3). In all of these communities, hunting, scarcity of natural resources, e.g., good agricultural land, fuelwood and illegal sale/lease of land, were important historical conflict issues. Shifting cultivation was not a conflict issue in the sampled communities. Large-scale land acquisitions for industrial cultivation of *Jatropha* had only exacerbated these existing historical conflicts in some of these communities. The specific new conflicts among chiefs, farmers and youth groups within the communities have been the loss of farmlands or other communal lands and the lack of or insufficient information flow within the community about the *Jatropha* investments. The issues of contention included the process of land acquisition, the quantum and mode of execution of compensation payments, the lack of information on terms and duration of the lease and the existence or contents of social responsibility agreements, the lack of information on the amount of money received by chiefs, the acreage of land leased, the distribution or use of proceeds from lease of land and the general distrust in the capacity and mode of negotiation by landowners and chiefs. In all of these conflict issues, chiefs of the various communities were the main actors. The specific cases as unfolded in the various communities are described in the next section.

#### 3.2. Specific Conflict Cases and Actors

Biofuel Africa initially acquired 5000 hectares of land near Kpachaa in the Northern Region with plans to expand to 15,000 hectares. The affected communities are Kpachaa, Kparchee, Tua, Jachee, Sagbargu and Chegu. The chief who presided over the transaction is the Tijonaa (Paramount Chief of Tijo). People in these communities knew nothing about the project until the company moved to the site and started land preparation. The affected community members and farmers started agitating. A durbar was subsequently convened in Tijo at the Tijonaa's Palace. The people were informed that the company will bring development to the area by providing schools, dug-outs and clinics. No disclosure of the terms of the contract was made. No compensation was made to the affected farmers. Further agitations by the affected farmers resulted in the paramount chief producing a list of farmers he deemed eligible for compensation. The farmers who were refused compensation formed a group and took the case to court. Later conflict issues have been the destruction of economic trees on the site and the alleged increase in windstorms and snakes after the company cleared the land.

**Table 3.** Historical natural resource conflict issues in the various communities before the *Jatropha* industry (a = Lolito, b = Adidome, c = Kobre, d = Bredie and Camp, e = Kadelso, f = Ahenakom, g = Agogo, h = Kpachaa).

Conflict Issues/Sources/Causes	Not Important	Important	Very Important
Unclear (farm/grazing land/ <i>etc.</i> ) boundaries	d	c, e, f, h	a, b, g
Lack of enforcement of rules and regulations	a, d, f, h,	b, c, e	g
Weak community leadership	a,	b, e	c, d, g, h,
Competing demands/uses for resources	a, b, c, f,	e, g	d, h
Lack of access/restricted access to the resources/no rights	a, f		b, c, d, e, g, h
Unclear ownership regimes	f	a, b, c, e, g	d, h
Unfair/inequitable sharing of benefits	a, e, f, h,		b, c, d, g,
Abuse by authority	a, e, f	b, c, d	g, h
Scarcity of natural resources, e.g., good agriculture land, fuelwood		f	a, b, c, d, e, g, h
Overgrazing of pastures	d,	c, e,	a, b, f, g, h
Shifting cultivation	a, b, d, e, f, g, h		c,
Compensation issues	a, f		b, c, d, e, g, h
Illegal sale/lease of land			a, b, c, d, e, f, g, h
Hunting			a, b, c, d, e, f, g, h

Galten Agro Ltd. in Adidome mistakenly acquired their land from the chiefs of Fievie Traditional Area. The project was halted by the chief of New Bakpa, who claimed to be the rightful owners of the land. After further consultations and mediation by the District Assembly, the company agreed and re-signed a new lease with New Bakpa. However, this did not include any compensation for affected farmers, and no information on the lease was made known to community members. In the case of Old Akrade, the chief negotiated the deal in consultation with the community elders and insisted that all affected farmers be compensated. However, the company failed to meet some of the terms of the contract. The chief then abrogated the contract and took back the land for the affected farmers.

Kimminic Corporation has two separate farm sites. One was acquired from the Paramount Chief of Nkoransa. The Paramount Chief did not disclose the details of the contract to the sub-chiefs (specifically, the chief of Bredie) and the affected communities. The company moved to site and, with the blessing of the Paramount Chief, started clearing the land. Affected farmers were not given any hearing by the Paramount Chief, and there was no compensation for crops or land lost to the *Jatropha* Company. Later, there were also conflicts about company vehicles over speeding and killing community members' livestock. The community responded by putting up speed ramps. These were destroyed by the company, and the community was threatened with isolation and denial of transport services. The chief of Bredie tried to settle the disputes that arose, but most of them were beyond his mandate; he also did not know the terms of the contract and is not a beneficiary of any contractual arrangements. The District Assembly was therefore seen as a much more credible mediator in the conflicts between the affected communities and Kimminic Corporation than the chiefs. In the case of Kimminic's other farm site in Kobre, the chiefs and people of the Kojobofour and Kobre claimed not to be aware of the transaction. When they prevented the company from clearing, it moved to the opposite end of the site, and a rival paramount chief, Chief of Kokomba, gave them the blessing to start work. It is now unclear which particular chief granted the lease, because the Paramount Chief of

Kokomba who granted the permission to start work is dead, and the Chief of Kobre lived in Accra till he also died. Attempts by the current chiefs to know the details and formalize the contracts have been unsuccessful. Compensation negotiations and payments of affected farmers have also been the other issues of conflict. In this community, the assemblyman rather than the chiefs is the credible person undertaking the negotiations.

ScanFarm acquired its land from the Paramount Chief of Agogo. The people were not involved in any of the initial processes. The predominant *Jatropha*-related conflict issues in the Agogo area have therefore been the scope of the land acquired, the negotiations, benefit sharing arrangements and information flow between stakeholders, compensation and loss of natural resources and biodiversity. Even before there was settlement on these issues, the company used bulldozers, at night, to completely clear the land of all traditional land boundary marks, e.g., old trees, stream, termitaria, *etc.* The community members complained that they would not even know their land boundaries. Some farmers who refused to be relocated or compensated used guns to threaten the company officials who came on their land. The chief's negotiation skills, capacity and allegiance were questioned. There was subsequent breakdown of trust between the chief and affected farmers and landowners. Most of the affected farmers who resisted the lease and compensation mechanisms did not involve the chief in the subsequent negotiations with the company. Some affected farmers and land owners also used the law courts, e.g., *Obour Family v ScanFuel* (2008–2010).

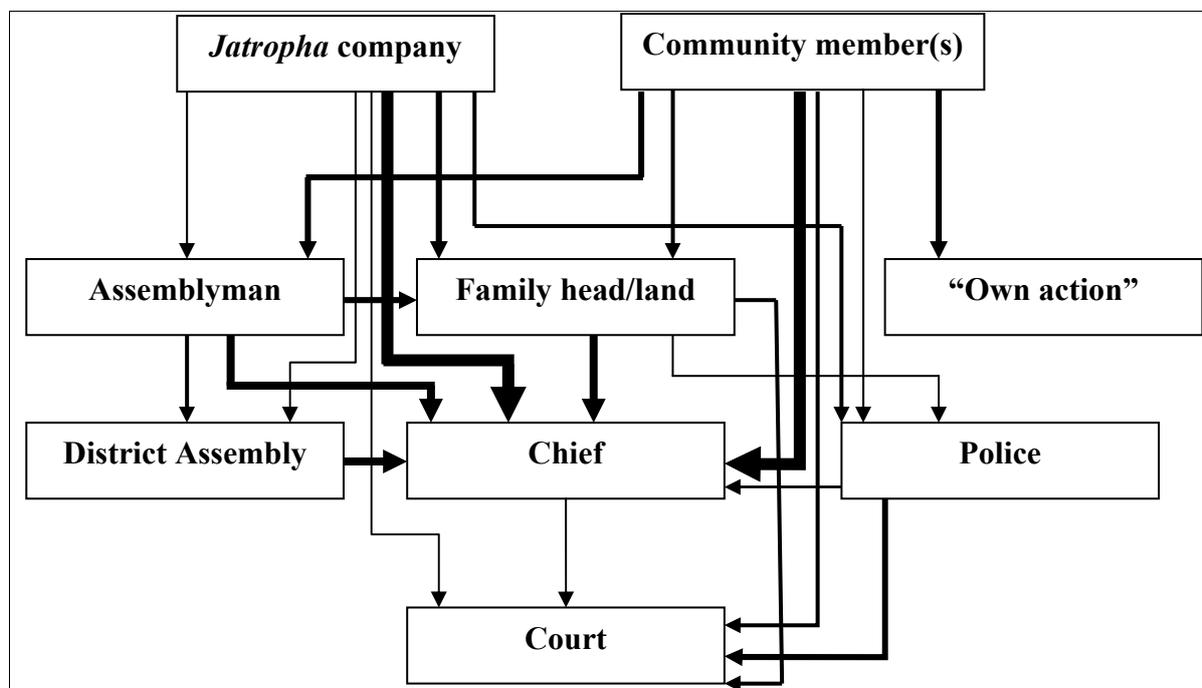
The conflict issues and actors in Ahenakom and Kadelso are similar: community members had no clue about the terms of the contract or agreement. In the case of Kadelso, what is written in the contract is different from what the chief and elders know. Furthermore, the chiefs and community members have no information about the current intentions of the companies or the whereabouts of the investors and are at a loss as to what to do with the land.

### 3.3. Chiefs as Arbitrators of *Jatropha* Investment Conflicts

This research identified different options and channels used by stakeholders in times of conflicts (disagreements, threats, barricade of premises, armed resistance, destruction of property, boycotts, fights, *etc.*) with respect to respect to land and *Jatropha* cultivation (Figure 1). A *Jatropha* company or community member will usually report the conflict issue to the chief or landowners. When the party in conflict is not satisfied, other alternatives are then explored. The company may seek the assistance of the assemblyman or District Assembly or police, but rarely uses the law courts. Individuals or groups of community members will also use these institutions in addition to the law courts, but with relatively different frequency. In addition, when they lose confidence in getting justice from all of these institutions, they resort to taking their "own action", which includes use of arms, destruction/seizure of property, access restriction, fighting, invocation of a curse or letting go. For example, Galten Agro Ltd. upon meeting resistance from the people of Bakpa reported their first conflict issues in Adidome to the perceived land owners, Chief of Fieve. For all of the companies, conflict issues that are criminal are handed over to the police. For example, in Kadelso, one farmer who refused to be relocated continued to cultivate his land and cleared all *Jatropha* seedlings that were planted on the land. He was reported to the police and was arrested. The District Assembly is mostly used if negotiation or mediation is needed between the actors, e.g., in Adidome, Agogo and Nkoransa, the respective district assemblies

have, at various times, been involved in negotiations and mediations between companies, chiefs and community members.

**Figure 1.** The lines of action of a community member or a Jatropha company may take in conflict situations (the thickness of a line is a representation of the relative likelihood of a decision to be taken in that direction).



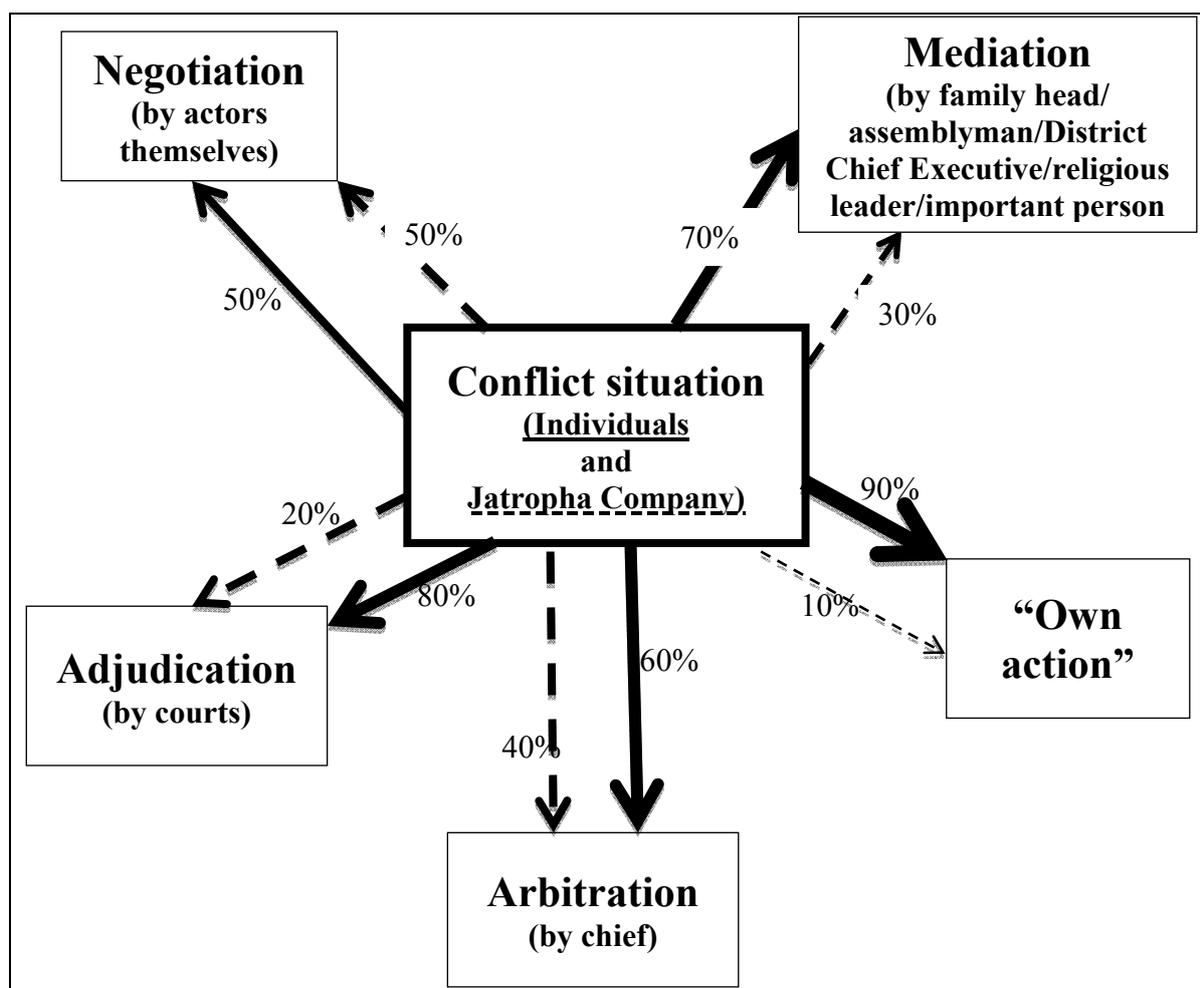
Chiefs, in all of the communities studied have been very directly involved as arbitrators of conflicts in most communities. Community members also rated the capacity of existing stakeholders to deal with their real and potential conflicts. In all cases, chiefs are predominantly (98%) seen as the most important persons to resolve conflicts related to land or the Jatropha investments. In Agogo and Kpachaa, the ranking of their chiefs is relatively lower (90% and 93%, respectively). The chiefs, landowners or family heads and assemblymen are the three most popular institutions that are used in resolution of conflicts in relation to Jatropha investments in the study areas.

### 3.4. Conflict Management Mechanisms

In conflict situations, different mechanisms or channels are preferred by the different actors (Figure 2). The conflict stakeholders likely to take “own action” or simply “give to God” are mostly individuals or group of community members in conflict with a Jatropha company. The uses of “own action” were very much manifested in Agogo and Bredie Camp. In Agogo, individuals took arms to protect their lands from ScanFarms. In Bredie Camp, when their animals were being killed by speeding company vehicles, community members built speed ramps to reduce vehicular speed within the village. Escalated conflicts after taking “own action” are usually managed through mediation. For example, the Nkoransa District Assembly and the police in Kadelso used mediation to resolve the conflicts between community members and companies. Another case of an actor taking “own action” is the conflict at

Old Akrade, where the chief took back her land because Anuanom Industrial Projects Limited had failed to honor the terms of the contract.

**Figure 2.** Relative importance of the different tools for the two distinct actors in a conflict situation (the thickness of a line is a representation of the relative likeliness of a decision to be taken in that direction; solid lines represent the choices of (an) individual(s), and broken lines represent the Jatropha company choices).



Negotiation is also popular among parties in conflict in the various communities. It is mostly used when both parties are powerful actors in a conflict situation. For example, most chiefs or land owners can negotiate new arrangements or issues of conflict directly with Jatropha companies, because they are both powerful stakeholders. Therefore, a landowner or chief can call to speak to the Jatropha companies or authorities directly. For example, the issue of sharing benefits from the lease of land between the Nkoransahene (the Paramount Chief of Nkoransa) and the chief of Bredie (chief of the affected community) is currently being renegotiated by the chiefs. In the case of Agogo, because the power difference between the parties in conflict is great, negotiations between ScanFarms and the affected farmers or that between the chief and the affected farmers have always stalled. A farmer who is being ejected from a piece of land by a Jatropha company is less likely to use negotiation as a tool to resolve the issue. Such lower ranked actors in the conflict-power continuum are likely to choose mediation (e.g., through the use of the assemblyman or the District Assembly) or take “own action”.

In the case of the conflict at Bredie Camp, where their animals were being killed by speeding company cars, the district assembly was called to mediate when “own action” was countered by a more powerful response from the company. Mediation was also used when the people of Bakpa, Fieve and Galton Agro Ltd had conflict over the ownership of the land. The Adidome District Assembly had to step in as mediator, because it had wrongfully advised Galton Agro Ltd to acquire the land from the people of Fieve.

Arbitration by chiefs is a traditional conflict resolution tool available to all parties in conflict. However, this depends on the traditional power wielded by the chief and the trust that conflict actors have in the impartiality and fairness of the chief. In Kpachaa, most of the issues between actors relating to the land acquisition were dealt with through arbitration. The arbiters, the Jurohana and Tijonaa, ruled on who qualified for compensation and who did not qualify and, therefore, an approved and complete list of people to be compensated. The conflicts in Agogo and Kpachaa went beyond the local conflict resolution institutions and mechanisms. Therefore, in these places in which the chiefs were believed to be compromised or their judgments questioned, adjudication through the courts has been used. Adjudication may be the choice of an individual or group of victims. However, Jatropha companies will rarely initiate settling conflict issues with local people in the law courts.

#### 4. Discussions

The results of this study showed that conflict issues were prevalent in all of the communities prior to large-scale land acquisitions for industrial Jatropha cultivation. The conflict issues are very diverse and location dependent, and natural resources conflicts are on the increase, especially in raw material production and natural resource-dependent economies, as has been documented by other studies [43,46,49]. Land, being the medium of production, has predominantly been the focus of these conflicts in most countries [45,50]. Even though the conflict issues associated with large-scale land acquisitions for industrial Jatropha cultivation that have been described in this study have existed even in the pre-colonial, colonial and post-colonial eras, these experiences are being exacerbated by the increased pressure on land due to population increase.

These conflicts were severally published and discussed in the local and international media. These were basically the agitations of community members and attempts by the various chiefs to suppress the agitations or cover up the accusations. However, none of these publications investigated the roots of the conflicts or traditional conflict issues in these affected areas. These media publications about Jatropha conflicts may be real, generalizations, misrepresentations of the issues or attempts to whip up sentiments against the cultivation of Jatropha. For example, most of the published information on size of land acquired or cultivated was on the higher size. These land sizes were either company projections or uninformed estimates by the authors. This is because, considering the agricultural practices and the proportion of the population engaged in agriculture, any large-scale land acquisition, irrespective of the current and future land use, will negatively affect the people. Large-scale land acquisitions increase the land use intensity and decrease the size of plots per head available to locals. Large-scale land acquisitions around communities that have been surrounded by fallow lands for centuries may therefore trigger a feeling of insecurity, because of real or perceived current or intergenerational threats of landlessness [39,50].

The formal land management institutions in Ghana might have been unprepared for this influx of investors for land and, therefore, did not look into the land acquisition processes. The Lands Commission and the Environmental Protection Authority have rules and regulations for registering lands for large-scale cultivation. These rules and regulations, however, do not include the land acquisition processes, e.g., documented evidence of prior informed consent of current users. Therefore, even though these institutions may have been aware of conflicts in the associated communities, the lands acquired were duly registered with the requisite permits to operate. Furthermore, the negative social costs of these projects might have been overlooked by the Environmental Protection Authority in making the environmental and social impact assessments, because of the long list of economic and infrastructural interventions these companies promised to undertake in their catchment communities. Whilst it might be difficult to assess the genuineness of these promises, the early withdrawals, transformations or change in plans by these companies have become a source of conflict [43].

Amidst the failure of the formal land sector institutions to provide guidance and supervision, the chieftaincy institution was also seen to have been compromised. There have been obvious conflicts of interest, in that the chieftaincy institution presided over the lease of lands and was also the traditional arbitrators of the ensuing conflicts. In some cases, the traditional authorities might have been less neutral and, therefore, attempted to justify the deal and acted like spokespersons for affected companies. Such betrayal of the trust of the subjects could be an example of the effect of the commoditization of land on the traditional institutions of governance and management being currently acclaimed [3,14,51,52]. The effect of commoditization is that traditional land use contracts between the traditional authorities and non-land owning community members and settler farmers could easily be terminated for better deals. These were exemplified in Kpachaa, Agogo, Bredie and New Bakpa. The monetary gains for the traditional authorities from such large-scale land acquisitions could break down relationships, values and customs that have bound chieftaincy to its subjects. The chieftaincy institution is still male dominated, and it is therefore a rarity to have a female paramount chief. The case of the chief of Old Akraade is one of such rarities, however, with a unique and different approach to the land acquisition process. Because of this small sample size, one may therefore err on the side of caution to hazard an explanation that female chiefs are more consultative and responsive to the needs of their people than their male counterparts.

Despite the repertoire of laws and institutions (traditional and public alike), the experience of large-scale land acquisitions and *Jatropha* investments in Ghana shows that legal provisions often do not adapt to the local logic and its social and economic dimensions and do not produce the expected results. They may run counter to indigenous management systems, trigger resource conflicts and farmer behavior, with positive or negative consequences on natural resource management [12]. The current state of customary land tenure in Ghana with its complex and multiplicity of functions has favored external investors' interests, while local community users suffer from the insecurity of tenure due to such large-scale land acquisitions and investments.

Despite the multiplicity of options available to the people for redress, the chiefs and use of arbitration continued to be the first option for the conflict resolution mechanism in these communities. However, the chief and his subjects are parties to the conflict by being the parties that leased the land. In presiding over these conflicts, most traditional authorities who have benefited from the *Jatropha* investments may therefore have very little regard for transparency and accountability to the

community they represent. This could be the reason for conflict escalation and the use of alternatives, e.g., “own action”, mediation, negotiation and courts, by some community members during their conflict management processes. The major beneficiary of this loss of trust in the chieftaincy institution is the assemblyman. These local government representatives have risen to prominence in many communities. The use of the courts in these communities has been few. Despite the challenges faced by the victims, litigants had gone to court only after exhausting all traditional conflict management options. Crook [34] also finds that, in general, only about 37% of respondents involved in land conflicts first tried to resolve their case using the chief, the elders or, more formally, a “traditional court” process. Victims may take cases to court for a more authoritative settlement and enforcement of any judgment than that of the chief or when they have lost confidence in the chieftaincy institution.

The government welcomed industrial cultivation of *Jatropha*, because it meets initiatives and policies intended to promote investments into the biofuel sector for energy sufficiency and job creation to reduce rural poverty. However, large-scale land acquisition by foreigners is new in Ghana. Chiefs and community members also lacked knowledge about large-scale land investments, but more importantly, the expertise to effectively negotiate favorable terms with such powerful national and international actors or to enforce agreements in times of breaches of the terms of the contract. In most of the arrangements, there is the general perception by the community members that the chiefs and elders benefited at their expense. The formation of farmers’ groups and local community groups may act as checks on the traditional authorities and investors in the land acquisition processes and the aftermath. Furthermore, the Civil Society Coalition on Land (CiCoL) needs to broaden its presence in all parts of Ghana to forestall these shortcomings in the rural areas. CiCoL and other community-based groupings, NGOs and civil society organizations must be involved or consulted in all negotiations and decisions regarding large-scale land acquisitions.

This study also shows that traditional land use conflicts predate *Jatropha* investments in Ghana. However, after acquiring the land, and maybe resettling the farmers, the transformation of the land from forest or pasture or fallow land with diverse, smallholder food crops to industrial agriculture might have exacerbated the inequality of access to land and natural resources among communities. As forests, fallow lands, pasture and active agricultural lands are expropriated for industrial *Jatropha* cultivation, local communities are squeezed onto smaller and less fertile parcels of land and compelled to rely on a smaller resource base for food and income. In most of these large-scale land acquisitions, those very much affected are the non-indigenous farmers, who have very little representation and rights to land in these communities [50]. Already, the land issue in Ghana is bedeviled with social and gender imbalances largely reinforced by its tribo-patriarchal identity and political history [3]. For the affected farmers, the most common form of payments is compensation, which, unfortunately, had also been a major source of conflict. This is because, to many people who are farmers, no amount of money is adequate compensation for near landlessness. This is particularly the case where cash compensation, e.g., in Agogo, could not enable affected persons to gain access to alternative land. To aggravate the situation, the procedural issues of consultation and consent and the distributive issues around compensation are tightly linked to the traditional authorities who are parties to the problem. Furthermore, the heterogeneous nature of the victims makes it difficult to form an interest group to present a common problem to the traditional authorities. Knowing this, the traditional authorities have often taken advantage of the heterogeneous nature of the victims, and their complaints have often been

interpreted as a group of anti-development community members or the chiefs' opponents trying to stall community progress. Beyond formal compensation, other benefits from agricultural investment projects are more diverse and indirect [40]. There is no guarantee that benefits will accrue to dispossessed rights-holders, but broader communities may gain, particularly in three areas: employment, supply chain involvement and infrastructure.

## 5. Conclusions

This research investigated how chiefs in playing their traditional roles in land acquisition and arbitration processes were the causes and solutions to the ensuing conflicts in the various communities associated with large-scale *Jatropha* investments. Whilst natural resources conflicts predated the coming of these *Jatropha* investments, the processes of land acquisition and compensation became the major conflict issues. The chieftaincy institution was trapped as a party in conflict between the investors and its subjects. The relatively high use of use of arms, destruction/seizure of property, access restriction, fighting, invocation of a curse or letting go, negotiation, mediation and courts by people in these communities proves the dwindling confidence of the people in the chieftaincy institution's arbitration of the conflict issues arising from these large-scale land acquisitions and *Jatropha* investments. Despite community members' perception that the chieftaincy institution was biased towards the investors, arbitration through the chiefs was the dominant mechanism in the study communities for dealing with the conflict issues, because the land tenure systems make chiefs indispensable in the resolution of land conflicts within their jurisdiction. In conflict situations where the chieftaincy institution has failed the people, the assemblyman has successfully filled the void. The Government of Ghana needs to strengthen the public sector institutions and put in place stronger and binding mechanisms for resolving disputes arising from large-scale acquisitions of land to cushion the effect of the weakening confidence in the chieftaincy institution's arbitration.

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## Author Contributions

The study was conceived and designed by both authors. Both authors contributed equally to the data collection and analysis. Benjamin Betey Campion, the lead author, led the write up of the paper and response to reviewer comments. Emmanuel Acheampong contributed in writing the discussion and also did the proof reading of the finalized manuscript.

## Conflicts of Interest

The authors declare no conflict of interest

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