



The Gender and Equity Implications of Land-Related Investments on Land Access, Labour and Income-Generating Opportunities in Northern Ghana

The Case Study of Integrated Tamale Fruit Company



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Abbreviations and Acronyms

ACDEP	Association of Church Development Projects
AIDS	Acquired Immunodeficiency Syndrome
CAADP	Comprehensive Africa Agriculture Development Programme
CEDEP	Centre for the Development of People
CEDAW	Committee on the Elimination of Discrimination against Women
CFS	Committee on World Food Security
CIAT	International Center for Tropical Agriculture
CIFOR	Center for International Forestry Research
CORDAID	Catholic Organisation for Relief and Development Aid
CSO	Civil Society Organisation
ECOWAS	Economic Community of West African States
ESW	Gender Equity and Rural Employment division of FAO
EIA	Environmental Impact Assessment
EPA	Environmental Protection Agency
EST	Trade and Markets division of FAO
FAO	Food and Agriculture Organization of the United Nations
FASDEP	<i>Food and Agricultural Sector Development Policy</i>
FDI	Foreign Direct Investment
FGD	Focus Group Discussion
FHH	Female-Headed Households
FoodSPAN	Food Security Policy Advocacy Network
GAP	Good Agricultural Practice
GCAP	Ghana Commercial Agricultural Programme
GSGDA	Ghana Shared Growth and Development Agenda
GDP	Gross Domestic Product
GIPC	Ghana Investment Promotion Centre
GPRS	Growth and Poverty Reduction Strategy
HIV	Human Immunodeficiency Virus
IDS	Institute of Development Studies
IFAD	International Fund for Agricultural Development
IIED	International Institute for Environment and Development
IFPRI	International Food Policy Research Institute
ILC	International Land Coalition
ITFC	Integrated Tamale Fruit Company
LDPI	Land Deals Politics Initiative
MADU	Metropolitan Agricultural Development Unit
METASIP	<i>Medium-Term Agriculture Sector Investment Plan 2011-2015</i>
MDG	Millennium Development Goal
MIDA	Millennium Development Authority
MOFA	Ministry of Food and Agriculture
NGO	Non-Governmental Organisation
OMOA	Organic Mango Out-growers Association
PPP	Public-private partnership
PSOM	Programma Samenwerking Opkomende Markten (Cooperation with Emerging Markets program)
PRAI	<i>Principles on Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources</i>

SSNIT	Social Security and National Insurance Trust
WIAD	Women in Agriculture and Development
WIEGO	Women in Informal Employment: Globalizing and Organizing
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
USD	American Dollar
USAID	US Agency for International Development
USADF	United States African Development Foundation
VG	<i>Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security</i>

Executive summary

In recent years, Ghana has witnessed increased interest from private companies in developing agricultural investments. This trend is common to many lower/middle income countries. It has translated in a surge in large-scale land acquisitions in many lower/middle income countries, including Ghana, but also in agribusiness ventures that source produce from local farmers.

While much debate on agricultural investments has discussed risks and opportunities for host governments and local communities in an aggregate way, it is critical to understand the distribution of the costs and benefits created by an investment project on different groups of the rural population.

This report investigates the gender-differentiated implications of agricultural investments in Ghana and at the policies and practices that shape outcomes for women and men. The report draws on a review of the literature on agricultural investments in Ghana and analysis of the relevant policy frameworks, on the one hand; and on fieldwork conducted in late 2011 and early 2012 to investigate the case of the Integrated Tamale Food Company (ITFC), on the other.

Gender has been a largely neglected issue in research about agricultural investments. Earlier studies have looked at the social and environmental consequences of large-scale land acquisitions in Ghana. This includes concern for the potential deepening of food insecurity and loss of access to farmland and common pool resources for rural farmers. Others have pointed to the real land governance challenges that these processes pose. Ghana does however have long-standing experience with company-farmer partnerships. One such partnership is the Integrated Tamale Fruit Company (ITFC), a horticulture venture based on a nucleus estate and an outgrower scheme. Under the ITFC model outgrowers retain full control over their land, and mango cultivation for sale through ITFC is limited to 1 acre, in part so as not to displace domestic food production.

Understanding the gender-differentiated implications of the national policy frameworks regulating agricultural investments, of the outcomes of these investments as reflected in the literature, and of the more in-depth case study concerning ITFC can provide insights for international debates about how best to promote more inclusive models of agricultural investment.

Gender and equity implications of ITFC

ITFC is widely regarded as a promising experience with developing more inclusive investment models. It involves collaboration between a company and local farmers through a small nucleus estate (some 150 hectares) and an outgrower scheme for the production of organic mangoes. It is situated in the Northern Region, where a great number of private investments are locating and which the government has identified as one of four regions making up its breadbasket strategy through the promotion of and scaling up investment in the agriculture sector. The case study highlights key elements of inclusiveness, with a focus on the gender and equity implications of the venture.

Community perceptions of the initiative are overwhelmingly positive, and the study documented amenities and services provided by the company. The outgrowers expect an annual income of USD 2000 after 14 years, when debts are fully repaid. This promises better incomes for outgrowers than alternative livelihood sources in the area. There are however risks that this expectation might not be realised given the long time frame involved. Yet, outgrowers regard themselves as better off even now, compared to other farmers or labourers. The existence of an outgrowers' association enables farmers to exercise voice vis-a-vis the company management.

The ITFC provides important pointers for good practice in mainstreaming gender in investment design and operation, though the report also identifies some challenges linked to prevailing socio-cultural attitudes in the project area. Registration with ITFC is on an individual, not household, basis. This allows for more

women to register. But despite efforts to encourage female participation in ITFC's outgrower scheme, the proportion of women members remains low. However, the figures compare positively to other experiences in other parts of Ghana, and there are indications that the proportion of women in the scheme is increasing. Participation in outgrower farms is financially benefiting the households, though these benefits have not yet fully materialised, due to the 10-14 year time frame required for farmers to pay back their interest-free loan taken from the company to cover the costs of inputs. In addition to monetised benefits, female respondents indicated a perceived stronger position within the household, usually in terms of control over household income from generating their own income.

In terms of numbers, there has not been a substantial gender disparity with regard to access to employment opportunities at ITFC with women securing around 40 percent of all waged jobs at the two enterprises. However, gender inequalities have been apparent in terms of access to more secure and better paid jobs, a disparity that has resulted from both vertical and horizontal job segregation by gender. In mango production, many women worked in the packing units. The tasks that women secured on plantations were generally jobs that paid less and they secure more temporary jobs than permanent compared to men. Women were missing from senior management levels and were under-represented in managerial or supervisory roles because of their perceived lack of qualifications. Consequently, on average, they have been earning less than men per month, and fewer women have succeeded in moving up the career ladder.

The process for acquiring the little land necessary for the project reportedly resulted in some women having to walk further to access fuelwood and NTFPs, but this impact was not quantifiable, and no complaints in relation to this loss of access to resources are lingering twelve years on. However, it appears that no women were involved in the investment negotiation process, and that no women were direct recipients of compensation for loss of family farmland or common pool resources.

Overall, the case study shows that a gender neutral *approach* does not generate gender neutral *outcomes*. This is because pre-existing socio-cultural conditions in Ghana are such that, compared to men, women face much poorer access to land and other basic resources and services that are necessary to secure the potential benefits from the investment schemes. This not only limits their access to outgrower schemes, but also has a bearing on how they are directly affected by land acquisitions. Firstly, the tendency for women to have only usufruct and not ownership rights to land means that women are less likely to benefit from any direct compensation, since compensation is only directly paid to those with customary ownership rights. Secondly, women's more limited access to land compared to men makes them much more dependent on communal resources for income-generating opportunities; as a result, women suffer disproportionately from the loss of access to the communal land acquired by companies. At community level, women's poor representation in traditional leadership structures is likely to contribute to the lack of consideration of women's interests in negotiations over the terms and conditions of investment projects. At household level, women's weaker bargaining power means that wives tend to receive a smaller share of the benefits where participation in investment schemes has led to an increase in overall household income. Where married women have been earning a wage, they are sometimes in a stronger position within the household and are likely to have a greater say over expenditure. Mango production presents a particular problem, because men are very reluctant to give women land for growing tree crops. Other constraints include the strenuous labour demands of export mango cultivation and the scheme's registration fee.

The outgrower association had no women on its executive board. This lack of representation may have added to limited progress on issues concerning women's access to the scheme. Nevertheless, the ITFC outgrower scheme does incorporate several good practices that could be adopted by other investment schemes and promoted by regulatory frameworks. For example, a substantial outgrower scheme with the opportunity register on an individual basis rather than household allows farmers to retain their access to land, and for women to register independently of men. Limiting production to 1 acre also reduces the chances of displacing food crop production. In addition support from the company and development

partners to develop a strong outgrowers association with skills, facilities and bargaining power places outgrowers in a better position than if they were negotiating independently with the company on contractual terms and prices.

Investment Models: What do promising approaches look like?

The starting point is that being gender neutral is not enough: investors need to adopt explicit gender policies and take a proactive approach to ensuring that company policies and practices help to overcome rather than reinforce pre-existing gender inequalities. Specifically, the findings indicate that companies, as part of 'inclusive' investments, should be encouraged to:

Consult with a wide range of local community representatives (i.e. beyond the traditional authorities) in the contract negotiation phase, and use transparent and inclusive consultation mechanisms that ensure equal and effective participation of different groups of women and men.

Ensure that compensation systems recompense those individuals who previously used the acquired land on the basis of possessing communal and/or usufruct rights over that land and/or its resources. Women should be explicitly included in the compensation process.

Conduct a comprehensive assessment of the potential social and economic impacts of the land acquisition or the model alternative model to be implemented, including potential gender impacts and take reasonable measures to mitigate against predicted negative impacts on women and men and maximize potential benefits. Those assessments should take into account implications at the intra-household level both in terms of labour, land access, use and control and decision making processes.

In the case of company-owned plantations, packing and processing facilities, adopt and implement equal opportunity employment policies and practices, including provision of adequate maternity leave and benefits, and provision of training and support to improve women's access to permanent and higher paid jobs, shorter or more flexible working hours and nursery services. Encourage the adoption of a decent work code of conduct, including mechanisms for facilitating social dialogue. Furthermore, child care facilities should be put in place to make women's participation in wage employment opportunities easier.

In the case of outgrower schemes, ensure that membership criteria do not directly or indirectly discriminate against women's membership, for example, avoid stipulating land *ownership* as a prerequisite for joining the scheme. Instead, consider basing membership eligibility on the principle of control. Furthermore promote that contracts are signed by men and women and adopt specific measures so that ancillary services provided to outgrowers help maximise opportunities for women to participate and benefit from the scheme. For example, where the company provides training to outgrowers, ensure that an appropriate proportion of the trainers are female.

Support awareness-raising initiatives to encourage more equal sharing of household income and decision-making between husbands and wives.

Ensure that the selection and design of social infrastructure projects address the needs and priorities of women as well as men in the affected communities.

Some of the challenges discussed in this report are rooted in national law and policy. Therefore, addressing those challenges requires rethinking aspects of the current national regulatory framework.

Policy implications and recommendations

The law grants traditional councils a high degree of power over land allocation decisions. But there are no effective monitoring or accountability mechanisms to ensure that land allocation takes place according to the law. Experience shows that council members are prone to act in their personal interest, rather than for the benefit of the wider communities they are supposed to represent. The fact that these councils are largely male dominated poses a particular concern for the protection of women's interests. The law does

accord women certain property rights, such as equal rights over marital property. But the fact that the law entrenches the power of male-dominated traditional authorities or councils, and the dominance of customary attitudes and practices in many parts of the country, militates against women being given equal rights and access to land in practice. The existing regulatory framework governing land tenure therefore needs to be reviewed, in particular the extent of powers that these regulations currently vest in traditional councils. This is clearly both a highly political and complex arena for legal reform.

Regulations governing large-scale investment also need to be revised to incorporate specific requirements on investors to: (a) consult with a broader range of community representatives (beyond the traditional councils), including female as well as male representatives, seeking their Free Prior and Informed Consent; (b) develop and implement detailed management plans to mitigate the negative social and economic impacts arising from their activities, including negative gender impacts, and promote social inclusion; and (c) pay compensation where appropriate to prior users of the acquired land, including those possessing usufruct and/or communal rights to collect non-timber forest products (NTFP) from the affected land. These criteria should be used to screen potential investments, and land titles and EPA permits should not be granted to potential investors unless these criteria are met.

The enforcement of national regulations needs to be improved by strengthening both the capacity and the accountability of the Lands Commission, the EPA and other relevant government bodies. Similarly, the implementation of existing labour laws also needs to be strengthened, particularly those aspects of the Labour Act relating to women's pay and working conditions. Moreover, ensuring that a gender equitable and decent employment framework is critical for beneficial outcomes for different groups of rural women and men.

The Ghanaian government can and should also play a broader policy role that goes beyond the formulation and implementation of legislation. Relevant government ministries, including for example MOWAC, labour and MOFA, could make a significant contribution to the gender outcomes of land-related investments by implementing educational and awareness-raising initiatives to encourage more equal sharing of land between women and men. This could include specific initiatives targeted at educating traditional councils and authorities about the social and economic benefits of more equal allocation of land between women and men. It could also include broader public awareness campaigns to encourage more equal sharing of household land, income and decision-making between husbands and wives.

Recent years have witnessed important developments with regard to guidance on best practice for both governments and investors. The Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, endorsed by the Committee on World Food Security (CFS) in May 2012, provide important guidance for the governance of land resources. The guidelines emphasise the importance of local consultation and protection of local tenure rights (Guideline 12). Gender equality is a key principle underpinning the guidelines (see for example Guideline 3B). The full implementation of these guidelines in Ghana would be an important contribution to the realisation of the changes recommended in this report. Draft national guidelines to implement the Voluntary Guidelines on Good Governance of Land, Fisheries and Forests in the Context of National Food Security and the international principles on Responsible Agricultural Investment, currently open for consultation, are a step in the right direction. The African Union Framework and Guidelines on Land Policy in Africa and the recent recommendations from the 8th Annual Africa Development Forum on dealing with increased domestic and external pressures on land provide also offer important guidance developed by African states on Land Policy and managing agricultural investments. Equally, it is critical to ensure that organisations that represent the interests of (a) women smallholders (including women working as unpaid family labour on male-owned smallholdings), and (b) female waged workers in the agricultural sector are fully included in consultations relating to the development and implementation of national and international principles and standards.

1. Introduction



1.1 Background and aims of the study

The majority of the world's poor live in rural areas and have labour and land as their only or main productive assets. Therefore, promoting secure access to and control and use of land as well as secure and productive employment and decent work for women and men in rural areas is vital to achieving MDG1.

The *State of Food and Agriculture 2010-11: Women in Agriculture, Closing the Gender Gap for Development* (FAO 2011a), the FAO flagship publication, provides solid evidence showing that gender inequalities in access to agricultural assets, inputs, services and rural employment opportunities are partially accountable for the underperformance of the agricultural sector in many developing countries. It also demonstrates that the gender gap imposes real costs on society in terms of lost agricultural output, food insecurity and poorer economic growth. Without sustainable improvements in gender equity in access to land, employment and income-generating opportunities, the achievement of global food security and poverty reduction targets will therefore be seriously undermined.

At the same time, over recent years the global food and financial crises have led development policy-makers and international organisations to re-prioritise the role of agriculture within both international and national policy agendas. Within this context, many developing countries are making strong efforts to attract and facilitate foreign and domestic investment in primary agriculture, with the expectation that they will contribute to production growth, poverty reduction and food security and provide developmental benefits through technology transfer, employment creation, access to markets and infrastructure development.

Recent findings show that some primary agricultural investments that have taken place during the last years are having complex and mixed economic, social, cultural and political effects on local communities. Moreover, research has highlighted that positive outcomes do not flow automatically; rather, they depend on many factors, including the prevailing agriculture and rural development model; the institutional, policy and regulatory framework in place; the type and degree of inclusiveness of the business models adopted, and the extent to which social and gender equity issues are considered, among others. Certain types of investments, in particular large-scale land acquisitions, may have negative effects on host countries such as displacing small farmers, undermining or negating existing rights, increasing corruption, reducing food security, aggravating gender and social inequalities and environment degradation. Conversely, other investments adopting more inclusive business models and respecting rural populations' rights seem to be more beneficial for the livelihood of small farmers and workers and for long-term development. Within this context, national governments need to have in place an enabling environment suitable for attracting and supporting agricultural investments conducive to sustainable rural development, poverty reduction and food security.

In line with these findings and recognizing the inter-linkages between investment in agriculture and land tenure security, food security and poverty reduction, FAO and other partners such as IFAD, UNCTAD, the World Bank and OECD have undertaken several initiatives to identify good practices in agricultural investments and policies that are conducive to sustainable agricultural and rural development. As a result, research focusing on inclusive business models and their implications on local populations has been carried out. Various processes have also taken place to foster international frameworks that promote more responsible investment in agriculture. These initiatives include *the Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources* (FAO et al. 2010), developed jointly by the FAO, UNCTAD, IFAD and the World Bank, the *Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (FAO 2012a), endorsed in May 2012 by the Committee on World Food Security (CFS) and the *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* (FAO

2005). Moreover, an inclusive consultation process to develop and ensure broad ownership of principles for responsible agricultural investments is currently taking place within the CFS. The expected outcome is a set of principles to promote investments in agriculture that contribute to food security and nutrition and to support the progressive realization of the right to adequate food in the context of national food security.

Despite the progress made to date, however, not enough work has focused specifically on the differentiated social and equity implications of agricultural investments on various groups of the affected population, including the gender implications. To contribute to fill this gap, the Gender Equity and Rural Employment (ESW) division of FAO has therefore developed a programme of work entitled “Promoting gender-equitable and inclusive primary agriculture investments that contribute to enhance food security, reduce poverty and strengthen the livelihoods of poor rural women and men”.

The programme seeks to develop a better understanding of the gendered implications of land-related investments in terms of labour, income-generation opportunities and access, control and use of land thus affecting the livelihoods and food security of the rural populations that live in the areas where the investments take place in order to:

- 1) Generate knowledge, raise awareness and inform policy-making processes about gender-differentiated implications of land-related investments to promote more beneficial policy and legislative frameworks for investments to take place;
- 2) Identify and showcase promising approaches in terms of gender-sensitive business models and strategies and measures that have positive implications for rural employment and income-generating activities and access, control and use of land for both women and men; and
- 3) Foster constructive dialogue among policy-makers, local government authorities, rural organisations and the private sector so that more gender-equitable investments can be secured.

The FAO work programme has a number of complementary components, including a series of case studies in developing countries that are intended to contribute to the first and second objectives listed above. This report constitutes one of these country studies. The report investigates the gender dimensions of the socioeconomic outcomes of agricultural investments in Ghana. In common with the other country studies commissioned in the series, the Ghana study sheds light on the extent to which:

- Investments/businesses have gender-differentiated implications with respect to labour and income generating opportunities for small scale farmers and wage workers directly involved in and/or affected by these initiatives;
- Schemes affect poor rural women and men differently in their access, use and control of land;
- Business models provide examples of good practice in relation to employment and land which can be used as models for regulatory frameworks for investment and policy-making; and
- The investment and agricultural policies and strategies in place support the establishment of land-related investments that are inclusive of local populations and conducive to rural development, while being sensitive to gender and equity concerns.

The knowledge generated by this and the other case studies will be fed into the processes for the implementation of the RAI guidelines. The initial step is the production of a synthesis paper summarising key findings and recommendations from all of the case studies, which will be shared with participants in a multi-stakeholder consultation process that constitutes the final component of the broader programme.

While Ghana’s agricultural sector has been integrated in the world economy for a long time, in recent years private sector interest in Ghana’s agriculture has increased. Earlier studies have looked at the social and environmental consequences of large-scale land acquisitions in Ghana. For example, Tsikata and Yaro

(2011) warn that in the context of Ghana's lack of self-sufficiency in food crop production, large-scale land acquisition for the production of export crops could deepen food insecurity. Others have pointed to the real land governance challenges that these processes pose (German et al, 2011). Ghana does however have long-standing experience with company-farmer partnerships (e.g. Amanor 2001; Ruf 2009). Ghana therefore provides an important site for investigating the social implications of different types of agricultural investments and business models.

One such company-farmer partnership is the Integrated Tamale Fruit Company (ITFC), and illustrates a model involving collaboration between a company and local farmers through a nucleus estate and outgrower scheme for the production of organic mangoes. It is situated in the Northern Region, where a great number of private investments are locating and which the government has identified as one of four regions making up its breadbasket strategy through the promotion of and scaling up investment in the agriculture sector. This report is based on a literature review of policies and practices shaping the gender outcomes of agricultural investments in Ghana and a case study of ITFC. The case study highlights key elements of inclusiveness with a focus on the gender and equity implications of the venture. Case study methodology can be found in Chapter 3. The paper provides conclusions and recommendations regarding how investors could structure and implement their operations in ways that are inclusive and gender-sensitive, and how the policy environment and institutional arrangements that shape land-based investments in agriculture could be strengthened to ensure development benefits for local communities.

Chapter 2 outlines the key contextual factors influencing land-related investments in Ghana. It includes brief overviews of: key agricultural sector characteristics and policies; key gender issues and policies affecting women in the agricultural sector; and key actors, policies and trends in agricultural investments. Chapter 3 presents the case study of Integrated Tamale Fruit Company and Chapter 4 concludes by, firstly, summarising the elements of inclusiveness and key gender implications of the case study investment and identifying the main factors that influence these gender outcomes; and secondly, identifying key policy implications, highlighting recommendations for investors, relevant national government institutions and international policy makers.

2. The Ghanaian context



2.1 Socioeconomic context and overview of the agricultural sector

The total population of Ghana is estimated to be 22.6 million people, of which 51.5 percent women (Ghana Living Standard Survey Report 2005-2006). Ghana is the second largest economy in West Africa (MiDA 2006). Its Gross Domestic Product (GDP) grew at an average annual rate of 6 percent from 2002 to 2010 and was 32.3 billion USD in 2010 (1325 USD per capita) (World Bank 2012). The country covers an area of 240000 km² across three ecological zones (rainforest, transitional and savannah). The extraction and management of natural resources have sustained the country's economic growth in recent decades. Gold and cocoa are major sources of foreign exchange, along with remittances, and oil production began offshore in 2011 with estimated oil reserves up to 700 million barrels (CIA 2012). Ghana's poverty rate declined from approximately 50 percent in 1991 to 28.5 percent in 2006. This and its sustained economic growth meant that in 2011 Ghana became a middle-income country and in 2012 it ranked 130 out of 160 nations in the UNDP Human Development Index. Despite progress, the country still displays significant inequality across its regions and between male and female headed households. An estimated 39.3 percent of rural populations live below the poverty line compared to 10.8 percent in urban areas; Female headed households (FHH) are further disadvantaged with 53 percent of them falling within the poorest 20 percent of the population (IFAD 2006).

In Ghana, 79 percent of men and 70 percent of women in rural areas rely on agriculture as their main employment activity (Ghana Statistical Survey 2008). The sector is dominated by subsistence agriculture on farms averaging 1.2 ha in size, collectively producing 80 percent of the country's total agricultural output. Large-scale commercial farms are dominated by oil palm, rubber, and coconut and to a lesser extent maize, rice and pineapples (Ahwoi 2010). As of 2009 only 0.44 percent of cultivable land (approximately 50 percent of which is under cultivation) was under irrigation making the sector heavily dependent on rain-fed farming (Ahwoi 2010). Population growth rates are increasing demand for food crop production. Currently national agricultural production meets domestic demand for roots and tubers, but only 85 percent and 30 percent of demand for maize and rice respectively. Ghana's agricultural sector has been integrated in the world economy for a long time, however recent years have seen an increase in private sector interest in Ghana's agriculture sector including from foreign investors and driven by global demands for food, fuel and agricultural commodities.

2.2 Gender issues relevant to the agricultural sector

2.2.1 Women's position in wider society

According to the Committee on the Elimination of Discrimination Against Women (CEDAW), Ghana has made significant progress in improving women's status in the last couple of decades, a result of a range of commitments/investments made by the government and international donors. The 1992 Constitution guarantees equal rights to women and men in both general terms and in a number of specific areas, including marital property rights and employment (chapter 5 and specifically articles 22 and 27). However, there remain some important areas that still require legal and policy reform, notably in relation to polygamy, a widespread practice in the country (CEDAW 2005).

In 2001 the Ministry of Women and Children's Affairs (MOWAC) was established. This means that women's rights are represented at a high level, with MOWAC having its own minister of state and cabinet status. Despite this and a number of other policy reforms and significant progress in many areas, poverty, illiteracy, social and cultural norms as well as stereotypical attitudes mean that gender equality is still a long way off for many women (CEDAW, 2005). The national literacy rate for women is 46 percent, compared to 67 percent for men. The gaps are even wider in rural areas (33 percent for women, 56 percent

for men) and in the north of the country; in the Upper East for example, only 22 percent of women compared to 50 percent of men are literate. Of the current adult population (those over 25 years of age), only 3 percent of women compared to 13 percent of men have completed secondary education, and less than 1 percent of women as compared to 5 percent of men have completed post-secondary education (FAO 2012c). Nevertheless, current enrolment rates show that significant progress has been made; girls now represent about a third of pupils/students at senior secondary schools, public universities and polytechnics (CEDAW 2005).

2.2.2 Women in agriculture: access to land and other productive assets

Customary law usually grants use rights or customary freehold over land to female as well as male members of the lineage. In practice, however, land tends to be allocated to men, with women being dependent on men for access. The results are stark: on a national level, men hold more than three times the number of farms than do women. Gender disparities in land access are even greater in the north of the country, where the case study companies are located. As well as holding fewer farms, women also have smaller farms: in the Northern Region (one of four regions where the disparity is greatest) men's farms are on average over four times larger than women's (10.7 acres for men as compared to 2.5 acres for women) (FAO 2012c). Women's access to and control over land is in part dependent upon whether they are in a patrilineal or matrilineal area. In the Northern Region inheritance is predominantly patrilineal. Under Ghanaian intestate succession law, women are guaranteed equal inheritance rights to men. In reality however, many women lose land back to the husband's family in the event of his death.

In terms of women's access to other productive resources, gender disparities exist in access to credit, with men overall having better access to formal credit sources (public sector and private banks) compared to women. However, women are not necessarily disadvantaged across the board: amongst subsistence farmers there is little notable difference in women's and men's access to formal credit (both rely overwhelmingly on informal sources). Amongst market-oriented farmers women have significantly better access to NGO and co-operative credit sources compared to men (FAO 2012c). With regard to extension services, gender differences are more pronounced. Farmers' contact with extension officers is generally low, but one survey showed that whereas between 10 and 13 percent of male farmers had received a visit from an agricultural extension officer, only 0 to 2 percent of female headed households and female spouses had received a visit (World Bank and IFPRI 2010).

On paper the second Food and Agriculture Sector Development Policy (FASDEP) makes significant mention of gender issues. One of its broad policy principles is to ensure that 'all policies and programmes will be designed from a gender perspective' (MOFA 2007, p. 23). It also contains a section on gender mainstreaming. The latter acknowledges that previous progress on this issue has been slow, and sets out a number of specific strategies to address this gap, including advocating affirmative action in recruitment and training within MOFA, ensuring 'collection, use and maintenance of gender disaggregated data at all levels' (ibid, p. 45), and promoting 'systematic and regular gender analysis of agricultural programmes to ensure they do not increase the workload of poor women and men farmers' (ibid. p. 45). In addition, gender issues are addressed under specific sectoral strategies. For example, the section on extension services recognises 'limited access to extension services, especially by female agricultural operators' (ibid. p. 39) as a key issue, and includes as one of its strategies to 'integrate gender in extension programming to ensure relevance of information to men and women and equitable access to services' (p. 39) (ibid.). The research team was unable to verify the extent to which these various principles and strategies have been implemented in practice.

2.2.3 Women and employment

The Ghana Labour Act of 2003 provides various guarantees regarding women's rights at work, including equal pay for equal work, a minimum of 12 weeks maternity leave at full pay, and various protections for pregnant and nursing women, including protection from dismissal while on maternity leave and restrictions on night and overtime work. The Labour Act also prohibits discrimination on the basis of gender in recruitment, employment and dismissal, and includes provisions on sexual harassment (Labour Act 2003). The Act also guarantees equal pay for work of equal value.

However, labour laws are in general only well implemented in unionised organisations with collective bargaining agreements in place. In contrast, many employers in the private and informal sectors, where the majority of women are employed, ignore laws protecting workers' rights. As a result, in some parts of the private sector some employers do not pay a full salary during maternity leave and sometimes do not pay any salary at all if the maternity leave occurs within the first 12 months of employment (CEDAW 2005).

Moreover, in rural areas women's participation in waged employment is very low and nearly five times lower than that of rural men: only 3 percent of rural women are engaged in waged employment as their main job as compared to 14 percent of men. The overwhelming majority of women in rural areas are self-employed (56 percent of rural women list self-employment as their main economic activity) or as unpaid family labour (38 percent of women) (FAO 2012c). Thus, the limited protection that existing labour laws provide is largely irrelevant to most women in rural areas. Those rural women who are engaged in waged employment also face inequalities in the quality of employment they are able to obtain. According to FAO figures (2011a), more than 50 percent of female waged workers in rural areas are in low paid jobs, compared to only just over 30 percent of their male counterparts; and around 59 percent of rural female waged workers are engaged only in part-time waged work as opposed to around 36 percent of men (FAO 2012c).

A final point with regard to women and employment is women's continuing predominance in domestic work. On average women spend more than three times as many hours per week on domestic work than men, (39.5 hours compared to 11.3 hours respectively), yet women spend virtually the same amount of time as men on productive work (43 hours per week and 45 hours per week respectively) (FAO 2012c).

2.3 Policy context shaping agricultural investments

Ghana's most recent Growth and Poverty Reduction Strategy (GPRS II 2006-2009) and FASDEP II (MOFA 2007) consider agricultural modernisation as a primary means to promote inclusive economic growth and structural transformation in rural areas. One of the key strategies is to enhance private sector competitiveness by promoting investments in commercial farming and in outgrower schemes. Foreign direct investments are considered to be critical to achieving these objectives, and the government is seeking to improve investment conditions by, inter alia, investing in infrastructure, deepening its integration into global markets, providing fiscal incentives, and facilitating investor access to land, for example by the establishment of land banks (Schoneveld et al. 2011).

In addition to the orientation of the FASDEP II, a number of other policies are promoting or shaping agricultural investments in Ghana. The FASDEP is supported by the Medium-Term Agriculture Sector Investment Plan 2011-2015 (METASIP). This plan has been designed to achieve the 6 percent GDP growth target, and is based on the government's commitment to at least 10 percent budget allocation to the agricultural sector – in line with the ECOWAS Agriculture Policy and NEPAD's Comprehensive Africa Agriculture Development Programme (ECOWAS/CAADP).

Four areas of the country have been identified as having high productivity potential for particular crops, good market access and high rural population density: the Northern Region, the Afram Plains, the Volta Region and the Accra Plains. They are the target areas of the Ministry of Food and Agriculture's (MOFA) 'breadbasket strategy approach'.¹

The World Bank and USAID supported Ghana Commercial Agricultural Programme (GCAP) aims to improve 'the investment climate for agri-business and establish inclusive [Public-Private Partnerships (PPP)s] aimed at increasing on-farm productivity and value addition in selected value chains in the Accra Plains and the Northern regions' (MOFA 2012). This includes: strengthening investment promotion infrastructure, facilitating secure access to land, improving project management; and securing PPPs and small-holder linkages in both regions.

Investment promotion is handled by the the Ghana Investment Promotion Centre (GIPC), established by the GPIC Act of 1994. GIPC has the mandate to encourage, promote and facilitate investments in all sectors of the economy except mining and petroleum. Responsibilities of the GIPC also include keeping track and monitoring of investment companies (Ghana Investment Promotion Centre website). Incentives for investing in agriculture include tax incentives, free transferability of capital and profits and protection against non-commercial risks that are generally project and location dependent. For example, in the Northern Region, after an initial tax holiday period of five years agro-processing enterprises which use agricultural raw materials as their main inputs have a corporate tax rate of 0 percent while that for the same enterprises in the Accra-Tema the rate is 20 percent. These provisions apply to both domestic and foreign investors. In addition, the Ghana Free Zones Board offers 10 year tax exemptions, a limit to 8 percent tax after the 10 years, and 100 percent foreign or domestic enterprise ownership and equal legal status for foreign and domestic enterprises in the free zones. Various guarantees in respect of repatriation of profits and against unreasonable nationalization of assets have also been provided in the GIPC Act, including no conditions or restrictions on repatriation of dividends or net profit; payment for foreign loan serving; payment for fees and charges for technology transfer agreements; and remittance of proceeds from sale of any interest in a free zone investment. Licenses and permits are however required by investors before the can operate in a free zone area and these can be located anywhere in the country.

Land policy and tenure arrangements have a major influence over the extent to which local rights are considered in farmland investments. Customary tenure systems play a dominant role in Ghana; it is estimated that around 78 percent of the total land area in the country is under customary ownership, with only about 20 percent under state control, and the remainder under some form of shared ownership (Deininger 2003). The customary land sector operates under diverse tenure systems. In broad terms, however, tenure systems in the three northern regions of Ghana (Northern, Upper East and Upper West Regions) differ considerably from of the rest of the country. These regions have similar ethnic, cultural and ecological conditions. Because customary authorities often sit on skins (stools in southern Ghana) when they exercise their authority, customarily held land is referred to as "skin land" (stool land in the south). While ownership is vested in the communities, land under customary ownership is typically administered by a Traditional Council, comprised of the area's Paramount Chief and village elders (and in northern Ghana sometimes also the tendamba or 'earth priests'/spiritual leader) who occupy the apex of the corporate tenure structure and exercise land governance responsibilities in a fiduciary capacity on behalf of their subjects. Lands under the traditional authorities are governed according to a lineage-based tenure system, under which the clearing of virgin lands earns usufruct rights for members of the lineage

¹ The focus of this approach is on: 1) creating a number of private sector local change agents, mainly focused on post-harvest activities; 2) introducing socially inclusive commercial farms; 3) continuing support for high value added crops and 4) prioritising government/donor efforts into inputs, credit, roads, extension and price transparency for farmers' benefit (MOFA and AGRA 2010).

which can be passed on through succession (Tsikata and Yaro 2011). The council holds the ultimate right to retract use rights and reallocate and alienate land. Various legal instruments, including the Constitution, do stipulate certain restrictions on how the councils exercise these rights however they lack specificity so in practice do not significantly limit the councils' powers. Furthermore the majority of lands obtained from the traditional council are not formally registered and therefore most users lack legal security of tenure (German et al. 2011).

The erosion of downward accountability of traditional chiefs to their subjects in Ghana has been well documented and is said to be underlying land conflicts country-wide. Limited means or will amongst statutory authorities to regulate chiefs or interfere in deals arranged with investors is said to be an endemic problem characterising Ghana's legal pluralism in the land sector (Ubink and Quan 2008; Tsikata and Yaro 2011). Customary land can be permanently alienated through the government's right to eminent domain and land can only be acquired by an investor through renewable leases of up to 50 and 99 years' duration for foreigners and nationals respectively (Schoneveld et al. 2011). In order to secure such a lease foreign investors must first negotiate with the relevant traditional council(s). The councils are legally obliged to act in the best interests of the lineage/communities they represent (Constitution of 1992, Article 36.8). However, the research did not reveal any specific legal obligations requiring foreign investors to negotiate or consult directly with a wider cross section of local community members, whether male or female. Investors must then apply to the Lands Commission for a formal leasehold title to the land. The Commission's mandate, which is regulated by the 1992 Constitution and the Lands Commission Act 2008 includes ensuring that land use and development is in accordance with national and area-specific development goals and plans, and advising relevant traditional authorities to this effect (Republic of Ghana 2008, Articles 4b and 5b). The Lands Commission Act makes no reference to gender issues and therefore provides no specific legal provision to ensure that women's interests are protected at either local or national level.² Finally, all investors seeking to convert more than 40 ha of land must conduct an Environmental Impact Assessment (EIA) and secure a permit from the Environmental Protection Agency (EPA). Once operational, project proponents are also required to submit regular environment management plans for review and approval by the EPA (German et al. 2011). However, the gender dimension is completely overlooked in the guidance on EIAs. Furthermore, Schoneveld et al. (2010) report that only three foreign companies involved in biofuel production had an approved EIA permit at the time of their research. One reason for the shortcomings in implementation of the EIA legislation is that the EPA is under-resourced and in need of capacity development to equal the task before it on a national scale.

In practice, both the customary and formal legal processes outlined above often fail to protect the interests of local communities and of the nation as a whole. Abuse of power by chiefs is common place, such that the terms and conditions of the land deals they negotiate are often skewed in favour of their own personal interests, rather than those of the communities they supposedly represent (Schoneveld et al. 2011). The government has an implicit policy of non-interference with chiefs' affairs, therefore the relevant government bodies tend to merely rubber stamp land deals negotiated by chiefs, to provide their concurrence in accordance with the law rather than provide real checks and balances on the nature of these deals.

Thus overall, both customary and statutory authority responsibilities are too vague and both legal systems are largely failing to represent the interest of the majority of project-affected persons, with women and men being equally excluded in this regard. Women's interests are in particular likely to be marginalized due to their poor representation relative to men's in traditional councils and relevant government bodies. While specific data on women's representation in the Land Commission and the EPA could not be

² Civil Society Organizations and NGOs are advocating that an impending draft Lands Bill makes provisions for the protection of women's land rights.

identified, general data on female participation in public administration and the civil service shows that women remain substantially under-represented in senior/decision-making positions across all areas of government (CEDAW 2005).

2.4 Recent trends in agricultural investments

Plantation agriculture is not a new phenomenon in Ghana, with early attempts made to establish large-scale plantations during the colonial era and introduction of mechanised plantations following independence. However, only a handful of these initiatives survive today – one rubber and four oil palm plantations. It was not until the early 2000s that plantation agriculture generated renewed interest from the private sector, leading to a spate of private investment primarily in the horticulture sector (predominantly pineapple) with significant involvement of foreign investors (both private and donor led). Nevertheless, the real change took place in the late 2000s, following the rise in global oil prices. Since 2006, at an unprecedented scale and pace, 20 commercial plantation companies, more than three-quarters of which are majority foreign-owned, have since gained access to an estimated 1.184 million ha of land for the purpose of developing biofuel feedstock plantations alone (Schoneveld *et al.* 2011). This is equivalent to approximately 4.6 percent of the total land area of Ghana and 8.8 percent of the area suitable for agriculture. Of the 20 companies, a significant proportion is involved in jatropha cultivation: indeed, on an international level Ghana is one of the primary investment destinations for commercial jatropha companies (*ibid.*)

Export mango production has also been growing rapidly since the mid-2000s, with fresh export volumes increasing from only 227 tonnes in 2004 to an estimated 2,000 tonnes in 2008 (FAO 2009). Although smallholder production is significant, in addition to ITFC there are a number of large-scale mango plantations and packing and processing operations in the country, including an ambitious national plantation project backed by the Ghanaian government and several initiatives involving foreign investment (Chan *pers. comm.*).

According to media reports, in the last quarter of 2011 foreign direct investment to agriculture reached 204.69 million USD (Daily Graphic 2011). The recent flood of foreign investments has been caused not so much by specific government policies or incentive systems to promote such investments (Schoneveld *et al.* 2011); rather, foreign investors have been attracted to the country and facilitated in their efforts by the relative abundance and low cost of land, favourable agronomic conditions (good soils and water resources), and the lack of stringent regulations on land acquisitions (FoodSPAN 2010; MiDA 2006).

Although Brong Ahafo and Ashanti Regions have attracted the largest number of recent foreign land-related investments to date (Schoneveld *et al.* 2011), the Northern Region has nevertheless attracted growing and significant interest from foreign investors. Moreover, according to data supplied by the government-led, donor-supported Land Administration Project, the Northern Region accounts for a significant majority of the overall land deemed ‘available’ for investment purposes at a national level, accounting for 204,999 ha (or 64 percent) out of a total of 320,125.8 ha (see Table 1).

Table 1: "Available" land in Ghana's regions

REGION	NUMBER OF HECTARES
Volta	9435
Ashanti	801
BrongAhafo	54231.8
Greater Accra	6631
Eastern	28624
Northern	204999
Upper West	1986
Upper East	-
Western	9045
Central	4373
TOTAL	320125.8

Source: Land Administration Project, Accra.

In response to these trends, MOFA initiated inter-agency consultations between the Ministries of: Food and Agriculture; Energy, Lands and Natural Resources; Environment, Science and Technology; Chieftaincy Affairs; Local Government and Rural Development; and Finance and Economic Development to develop a policy framework and guidelines for large-scale land acquisitions by both local and foreign investors for cash crop development. The hope is to identify win-win modalities to protect the interests of investors and the welfare of Ghanaian farmers and landowners (Ahwoi 2010). At the time of the research, this process was still on-going. In addition, the Lands Commission has produced a set of guidelines for 'Considering Large-Scale Land Transactions for Agricultural and other Purposes' to seek to bring practices in line with international best practice (following the establishment of the PRAI and VG (see Appendix 1). These guidelines aim amongst other things to protect the interests of local people and avoid elite capture, whilst protecting the interests of investors. Formalising procedures for the land acquisition process are a core component of the guidelines which seek to provide much needed clarity on the roles and responsibilities of different institutions and parties to land deals. At the time of research these guidelines were under public consultation and so subject to revisions.

Ghana also has considerable experience with collaborative models that involve partnerships between agribusiness companies and local farmers, including through diverse contract farming and outgrower arrangements. This experience dates back to colonial ventures and to the activities of parastatals established after independence – for example, to grow palm oil or rubber. Many longstanding ventures exporting fresh fruit and vegetables have also sourced their produce from small-scale farmers, including in relation to pineapple and mango.

3. The Case Study of Integrated Tamale Fruit Company



3.1 Background, methodology and case study location

The Integrated Tamale Food Company (ITFC) is a mango production and processing company based at Diare in Savelegu Nanton District in Ghana's Northern Region. ITFC did not rely on a large acquisition of land to run its venture. Rather, agricultural production is based on a small company-owned plantation (some 150 hectares) and a mango outgrower scheme. The venture was initiated in 1999 and therefore is not part of the more recent wave of investments. However, the outgrower scheme has generated substantial interest from the international development community (see for example Osei 2007), and is widely considered to be a promising good practice model. ITFC has benefited from input from development agencies, but is essentially a private sector led initiative with a foreign investor component. Table 2 shows the key features of ITFC.

Table 2: Key features of ITCF

	Integrated Tamale Fruit Company
Period of operation:	1999 until present
Ownership structure:	Dutch-Ghanaian joint venture
Main crop involved	Mango
Business model(s):	Mixed model comprising a plantation, packhouse, processing unit and nursery, all owned and managed by the company; and an outgrower scheme
Total land leased	180 ha
Type of land rights acquired	Private leasehold
Number of (male/female) individuals/households participating in the scheme	The plantation, pack house, processing unit, nursery, offices, and the bee keeping project collectively employ 458 workers, of which 195 are women and 273 are men; 1,200 small-scale farmers actively participate in the outgrower scheme (149 are women)

Case study methodology

Fieldwork was conducted between July 2011 and May 2012. Data collection involved key informant interviews, focus group discussions (FGDs) with both men and women, transect walks, and direct observation. Key resource persons included traditional authorities (chiefs, elders and spiritual leaders) and youth group representatives from the case study communities; representatives (staff) from the company; officials from key government departments/ministries; representatives of NGOs; and the co-ordinator of ITFC's outgrower association. FGDs were held with members of the communities associated with the venture, and with staff from the packing, plantation, processing units. Transect walks through the study communities were used to identify potential issues of relevance to the research questions and to observe and map out natural resources within and around the communities. They also provided an opportunity for the researchers to develop a rapport with selected community members, and discuss some of the relevant issues in an informal manner. Details of Key Informants, Focus Group Discussions and interview questions can be found in Appendices 2 and 3.

Case study location

The Northern Region sees the highest incidences of poverty of all Ghana's regions with more than 40 percent of the population falling under the basic needs poverty line (IFAD 2006). Chronic food insecurity is widespread and livelihoods are particularly vulnerable in the savannah regions of northern Ghana. The

Northern Region, divided into 20 districts, is the largest region of Ghana comprising an area of 70,384 km². According to the 2010 Census, the population in the region is 2,479,461, eighty percent of which live in rural areas. Youth (under 18 years) account for 45 percent and the proportion of female headed households is 34.7 percent (Ghana Statistical Service 2012).

Notwithstanding its key role in rural livelihoods and wellbeing, agriculture in the region is predominantly subsistence-oriented, practiced on small plots – 80 percent are smaller than 5 acres – and with limited differentiation of crops particularly among female farmers. The majority of farmers in the area secure land through obtaining permission from the chief, but some farmers come from further afield and secure access to land through tenant farming arrangements directly with local farmers.

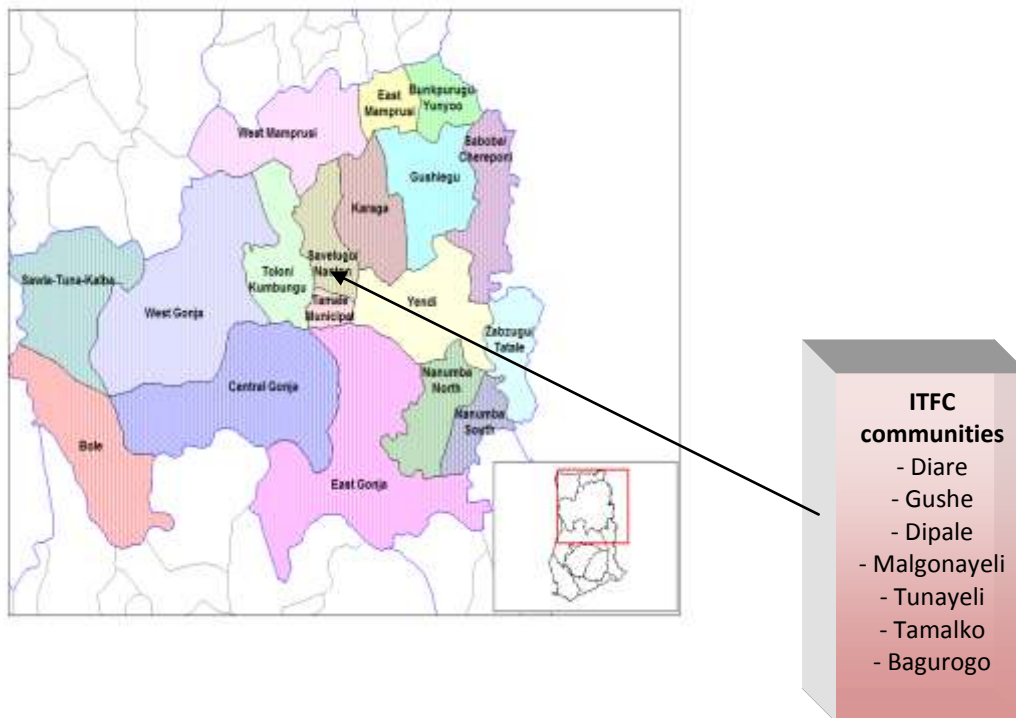
The main crops for both subsistence- and market-oriented farmers are maize, groundnut and peanut, and to a lower extent guinea corn and sorghum, beans and peas. Typically, women cultivate mainly cowpea and groundnuts, while men engage mostly in maize and yam. Male and female youth are also actively involved in farming. Gendered divisions of labour in the production of particular crops are also observed.

Despite their active engagement in agricultural production, women are less likely than men to hold land in the Northern Region where inheritance is predominantly patrilineal. Moreover, women have smaller plots of land. The Northern Region is one of four regions where gender disparity is greatest, with men's farms being on average over four times larger than women's (10.7 acres for men as compared to 2.5 acres for women) (FAO 2012c).

Alongside farming, traditional sources of livelihood in the Northern Region are fishing and livestock rearing including butchering (slaughtering and selling of meat) for men and petty trading of foodstuffs, charcoal production and collection of firewood for women. Women also pick the dawadawa and the shea fruit from the wild for sale. The shea fruits are sold for the production of shea butter which is also made by women. Shea butter production is very lucrative. The manufacturing and the tertiary (wholesale and retail marketing) industries are also important sources of employment for rural women, absorbing 10 percent and 12 percent, respectively of the employed female population.

ITFC is located within the Savelugu-Nanton District. The District has a population of approximately 88,000 (Ghana Statistical Service 2000). The district shares boundaries with the Tolon/Kumbugu District to the west, the Tamale Municipality to the south and the Yendi District to the south-east. Dagbani (of the Mole-Dagbani ethnic group) is the local predominant language spoken in the study areas. The communities visited for this research in the ITFC area - Savelugu-Nanton, Gushiegu-Karaga, Tolon, Kumbungu and West Mamprusi - are located to the north and east of Tamale, the capital of the Northern Region (See Figure 1).

Figure 1: Location of case study within the Northern Region



3.2 Overview of the company and the business model

Established in 1999, ITFC the company is a Dutch-Ghanaian joint venture with a range of shareholders. The largest shareholder is WIENCO (Ghana) Ltd, a Ghanaian-Dutch fertiliser company,³ which holds 50 percent of the shares, and the second largest is Comma, a Dutch company with 30 percent of the shares. The remaining shareholders are the chief of Nanton (10 percent); Tamale Investments, a group of local investors from the Tamale area (5 percent); and the African Tiger Mutual Fund, a Ghanaian investment company (5 percent).

ITFC exports 80 to 90 percent of its mangoes as fresh and dried fruit mainly to the Netherlands, UK and South Africa. The remaining 10 to 20 percent is sold at local markets as processed mango products such as dried mangoes and mango purée. All ITFC mango products are certified and sold as organic produce⁴ and its operations have also been certified as GlobalGAP (Good Agricultural Practices) compliant.⁵ The company also produces and sells honey to local markets.

ITFC production is split across a nucleus estate and an outgrowers scheme providing a range of direct employment and income generating opportunities. ITFC saw the outgrower arrangement partly as a strategy to avoid the complex process of acquiring large tracts of land. So rather than seeking to acquire 2,000 ha, the company only acquired a small portion for the nucleus estate, and sources produce from the outgrowers who cultivate their own land. More specifically, ITFC operations incorporate the following components:

³ www.wienco.com.

⁴ Certified by the UK Soil Association, see: <http://www.sacert.org/>

⁵ <http://www.globalgap.org/>

- **A 155 hectares nucleus estate (plantation)** that is owned and managed by the company. This was acquired in 2000 and is divided into 16 equal blocks planted with four varieties of mango. In addition to the land used for mangoes, the estate comprises 20 ha of land used for jatropha.
- **A packing and processing unit** also owned and managed by the company. This is located in Gushie, 9 km from the nucleus farm, and employs 171 workers.
- **A seedling nursery** owned by the company with a total production capacity of 346,648 seedlings. The nursery is managed by a workforce of 19 staff and produces seedlings for the company's own use on the nucleus farm, and for sale to outgrowers and other individuals.
- **An outgrower scheme** set up in 2001. The scheme currently has 1,200 participating outgrowers of the 2,000 projected, collectively cultivating around 480ha across five districts in the Northern Region. Outgrowers cultivate on their own land and plant no more than 0.4 ha of their farms with mango under their agreement with ITFC. They receive from ITFC start-up loans in the form of inputs which have to be fully repaid within 14 years during which outgrowers can only sell to ITFC. The outgrower scheme is explained in more detail further below.
- **An integrated bee keeping venture.** Since 2007, honey is produced by outgrowers and on the nucleus estate, due to the pollination benefits and additional income that can be derived. The honey is sold at ITFC offices.

3.3 Benefits and impacts of the core venture

3.3.1 The acquisition of land

ITFC initially approached the Assemblyman in seeking access to land,⁶ who in turn told the company to negotiate directly with the relevant traditional authorities. ITFC subsequently negotiated with the community-level sub chiefs, the divisional chief and the paramount chief regarding the terms of the lease. The elders and divisional chief of Tijo (TijoNaa), the Paramount Chief (YaaNaa) at Yendi and the Dipale Chief and elders were all consulted. Consultations first took place between the chiefs and the management of the company; after, some public awareness-raising activities were held amongst the local communities. The company secured a 99-year lease. The chiefs and elders of Tunayili, Tamaligo and Dipale, all felt that their views were taken into account in the negotiations.

This acquisition involved the displacement of five subsistence farmers and the disruption of use rights of other local community members who had partial access to this land during the farming season and full access during the non-farming seasons for game hunting, and for the collection of fuelwood, medicinal plants, sheanuts, *dawadawa* nuts and other non-timber forest products both for sale and domestic use.

In terms of compensation, an initial down payment of GHS 5,000 was reportedly made to the Paramount Chief at the time the lease was signed. There is some lack of clarity as to the distribution of the 1,000 GHS paid to the sub-chief which was intended to compensate the displaced farmers.⁷ ITFC also agreed to pay a further lump sum of GHS 5000 to the Paramount Chief in 2004 (five years after the signing of the contract); however, this payment has reportedly still not been effected due to the death of the then Paramount Chief and a lingering chieftaincy dispute. These processes reflect a rather chaotic scenario for compensation payments to displaced farmers and traditional authorities. ITFC also pays an annual rent of

⁶ The Assemblyman is an elected representative of the people of an electoral area at the District Assembly the local government.

⁷ According to elders of Dipale, only two farmers turned up at the chief's palace to collect their compensation, whilst the others boycotted the call in protest. The two (a tenant farmer and land owner) were given GHS 20 and GHS 40 respectively. They reported that the Tunayili chief was also given GHS 60 for good neighbourliness.

GHS 900 to the Lands Commission for onward payment to the sub-chief of Dipale, consistent with the constitutional formula for land revenue distribution. Yet, the arrangement has created some dissatisfaction amongst the five displaced farmers, since only the sub-chief continues to receive a regular payment.

These accounts from informants indicated that women were largely excluded from the negotiation and consultation processes for the lease. Respondents (elders of Dipale and a company official) said that no women were involved in the consultations and none of the compensation went directly to women. All of the immediate beneficiaries of compensation payments (i.e. the chiefs and the displaced farmers) were men. Besides the five farmers and their families that lost farmland, the loss of access to common pool resources had implications for women's livelihoods. When the plantation was established, ITFC cleared all but three of the trees previously standing on the land – a step that was considered necessary to ensure effective pest and disease control on the plantation. The implications of this for distances local communities then had to travel to collect fuelwood, fruits and nuts varied and depended on the community's proximity to the nucleus farm. FGDs at Gushie reported that women in Gushie and Dipale now walk 3 to 4 km to access fuelwood, fruits and nuts. These figures were also confirmed by the field assistance from Gushie community and by ITFC plantation workers. Precise increases in distances being travelled as a result of the acquisition were not obtainable, but the informants felt that there had been negative implications for both workloads and for the level of income that they can obtain from these activities. However, whilst there were some impacts, discrepancies and disagreements over the land acquisition and clearing process, there are no significant lingering concerns over it, now that the venture is established.

ITFC did obtain a permit from the EPA. The permit was supposed to be renewed every two years. According to EPA it has only been renewed twice so far. EPA also indicated that future renewal is currently in question whilst the company makes changes to comply with protective clothing requirements.

3.3.2 Waged employment: opportunities, conditions and gender implications

Direct employment is split across the plantation, the nursery, the pack house, bee keeping, and the oversight of the outgrowers. Employment across the different components of the ITFC venture totals 252 permanent workers (212 men, 40 women) and 216 seasonal workers (61 men, 155 women). Seasonal employment lasts 3 to 4 months of the year, usually from March to June (Figure 2). The largest number of people – 201 workers – is employed to work on the plantation (Figure 3). Of the plantation workers, men hold the majority of year-round positions, with women holding just under 3.4 percent of permanent positions (Figure 4). On the nucleus farm the certification officer, field assistants and irrigation experts are all men. Women make up the majority of both permanent and temporary positions in the processing unit, largely involving the drying of mango. According to ITFC, the majority of workers come from Dipale, although there was no data on this and no therefore no clear evidence that local people have been given preferential job access.

Figure 2: Proportion of permanent and temporary employees by sex (%)

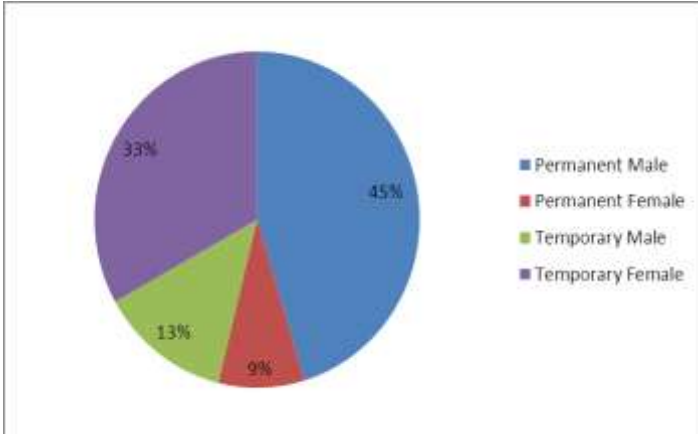


Figure 3: Employment across the components of ITFC (absolute numbers)

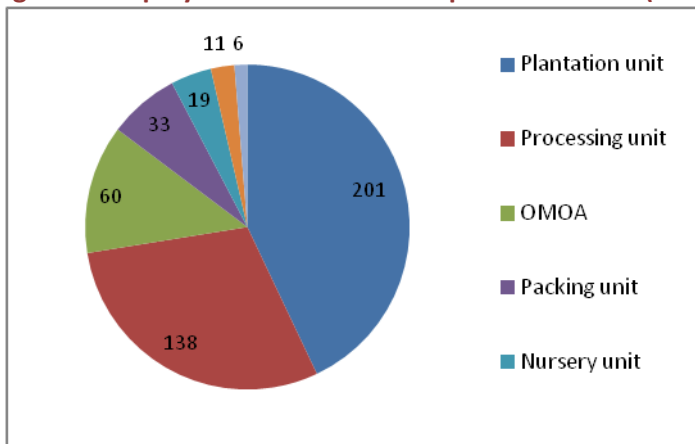
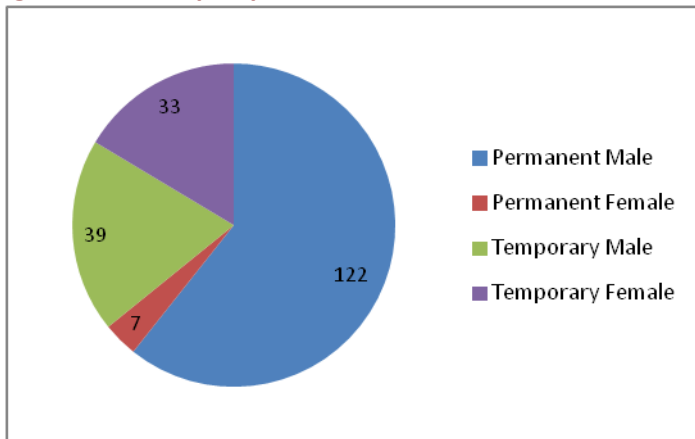


Figure 4: Make up of plantation workers on the nucleus estate (absolute numbers)



Source: ITFC Accounts Database

Salaries for permanent and temporary employees are GHS 120.98 per month, equating to GHS4.48 per day. Working hours are from 07.00 to 14.00, six days a week, with an overtime rate of 0.5 GHS/hour⁸. Managers, supervisors and some of the long-serving permanent workers earn higher rates depending on their qualifications and experience. At the nursery, for instance, it was reported in a male FGD that junior supervisors had a daily wage of GHS 6, whilst senior supervisors had GHS 7 per day. Besides the differentiated figures on seasonal and year-round employment, with women securing more seasonal work

⁸ Data provided by ITFC from the Company's Accounts Database.

and therefore generating less overall income directly from the scheme, there are no obvious differences between women and men's working conditions concerning pay and working hours. However, permanent workers secure additional benefits. Permanent workers benefit from paid holidays, employer contributions towards social security and state pension schemes (SSNIT), provision of accommodation (for senior staff and field assistants), access to medical care and some education support. Non-permanent workers also have access to education services provided by the company.

Workers reported that both permanent and non-permanent workers have maternity leave entitlements,⁹ and that pregnant and lactating women are able to transfer to lighter tasks and take more frequent breaks. No health problems or accidents associated with the work at ITFC were reported by the workers. There was some indication from employees that some personal protective equipment was lacking but according to the company it was on order and had just not arrived yet. In terms of access to training and promotion, some workers had moved into supervisory positions over the course of the company's operations but there were no explicit training schemes in place.

Workers reported that their wages from employment at ITFC have allowed them not only to purchase basic items such as food for household consumption, but also to make larger/longer-term investments, such as buying motorcycles and construction of new houses, making an improvement in the household's overall standard of living. For example in Dipale one female permanent worker reported that she had used her earnings to pay for her siblings' education, while two male workers had used their earnings to roof their houses with aluminium roofing sheets in place of thatch.

Women reported that, since earning a wage, they have more say over how household income is spent. The standard practice is that female workers have to show their earnings to their fathers, if they are not married, or to their husbands if they are married, as a sign of respect. Part of the amount (usually half) is then given to the man.

Finally, none of the workers are unionised and there is no form of collective bargaining agreement in place. However there was no indication that collective organisation by workers is actively discouraged by the company.

3.4 The outgrower scheme: benefits and impacts

The outgrower scheme was initiated in 2001 and formerly registered in 2004. The scheme currently has 1,200 participating outgrowers, collectively cultivating approximately 480 ha of mango in five districts. Farmers become participants in the scheme through a contract with ITFC in which they agree to allocate a portion of their lands to mango cultivation to be produced according to the requirements of ITFC. To join the scheme a fee of one bag of maize is required from the outgrower (worth a value of about USD 15). Like many tree crops, mango trees do not start bearing fruit until their third to fifth year. Because of the implications of this for smallholders (lack of financial returns in the first few years alongside increased expenditure), ITFC provides the outgrowers with the necessary inputs up front, and the producers do not need to pay for these inputs until the fifth year when they start producing and selling fruit. Essentially, this is a long-term no-interest loan. Inputs supplied by the company to its outgrowers include seedlings, manure, tools and water storage containers. ITFC also provides training and technical assistance on mango production techniques. The farmers are organized in groups and the company assigns one field assistant to every 40 farmers and one assistant manager to every 400 farmers. In addition, ITFC assists

⁹ The company offers three months paid maternity leave and there was no indication of difficulties for women getting their jobs back afterwards. However there are no childcare facilities provided.

farmers in obtaining licenses and fulfilling the organic certification requirements. ITFC restricts each outgrower to planting a maximum of 0.4 ha (1 acre) of mango, in order to help ensure that the supply does not exceed ITFC's export capacity, and that the outgrowers' food security is not threatened.

Once outgrowers start obtaining an income from mango sales (usually the fifth year), ITFC deducts 30 percent of the income from fruit sales each year to cover the costs of the inputs previously supplied to the producers, until the full input costs are paid off. The outgrowers are committed to selling only to ITFC until they have finished paying off the loan. The potential income from sale of mangoes is high by local standards. One estimate suggests that, by year 14, outgrowers could be earning an annual net income of about USD 2000; this compares to an average local farm income of about USD 300. This is based upon annual operating costs of approximately USD 944 per year (excluding labour) and income starting at around USD 150 and rising to USD 3,000 (See Table 3).

Table 3: ITFC outgrower cash flow plan

Year		0	1	2	3	4	5	6	7	8	9	10	...	20
Expenditures		-\$2236	-\$ 944	-\$ 944	-\$ 944	-\$ 944	-\$ 944	-\$944	-\$944	-\$944	-\$ 944	-\$ 944		-\$944
Income from sales	direct exports	\$ -	\$ -	\$ -	\$85	\$283	\$453	\$623	\$907	\$1190	\$1417	\$1700		\$1700
	to local processor	\$ -	\$ -	\$ -	\$ 55	\$ 182	\$ 291	\$401	\$583	\$765	\$ 911	\$1093		\$1093
	to local market	\$ -	\$ -	\$ -	\$ 12	\$ 40	\$ 65	\$89	\$130	\$ 170	\$ 202	\$ 243		\$ 243
	Total	\$ -	\$ -	\$ -	\$152	\$ 506	\$ 810	\$1113	\$1619	\$2126	\$2530	\$3036		\$3036
Total debt		\$2236	\$3165	\$4110	\$5054	\$5998	\$6791	\$6548	\$6214	\$5728	\$5090	\$4331		
Servicing of debt		\$ 15				\$ 152	\$ 243	\$334	\$486	\$ 638	\$ 759	\$ 911		
Net Income		\$(15)	\$ -	\$ -	\$152	\$ 354	\$567	-\$165	\$189	\$544	\$ 827	\$1181		\$2092

Source: Adapted from ITFC and Osei (2007)

When the outgrowers join the scheme, they also become members of the Organic Mango Outgrowers Association (OMOA).

Organic Mango Outgrowers Association (OMOA)

OMOA was established in 2000 and officially registered in 2004 as a company limited by guarantee under the Ghana Companies Code of 1963 (Act 179). The association is mandated to help improve the earning capacity and welfare of its members. It negotiates the price for mangoes for the coming season with the ITFC management on behalf of the outgrowers. It does this based on information from buyers in the international market on the prevailing price for mangoes that ITFC makes available to inform the negotiations. OMOA also represents the outgrowers in negotiations with ITFC over other issues, for example, charges for transportation of harvested fruit to the collection points.

OMOA is independent from ITFC, with its own board and elected executives who sit for four-year terms (recently revised from two). Elections are held for the positions of chairman, vice chairman and secretary. The board also includes an assistant secretary and treasurer. ITFC also appoints two representatives to the board and each of the eight administrative zones covered by the project are also represented. The functions of the OMOA executive committee are to manage the accounts, prepare an annual report, convene meetings, install quality control systems, and ensure GLOBALGAP and Organic Certification compliance. There are currently no women on the OMOA board.

The company-outgrower contract provides for conflict mediation between the company and an outgrower. The first port of call is a traditional arbitration mechanism at the community level. In case this fails, the OMOA appoints a committee of elders to issue binding written advice within fourteen days. If this is still not accepted, both parties may go to court. No informant reported that any of these mechanisms have been called upon to-date.

According to data collected by OMOA, 149 (12 percent) of the 1,200 registered ITFC outgrowers are women. While this clearly represents a significant minority, the ITFC scheme actually has a relatively high proportion of female participation compared to other mango producer groups in Ghana. A recent study of the Ghanaian export mango value chain estimated that, on average, women represent between 2 and 10 percent of members in mango producer groups (International Trade Centre, 2011). Moreover, the level of female participation is particularly notable given that women's access to land in the north of the country is significantly worse than in the south (see Section 2.2.2), where many of the other mango producer associations are based.

A number of factors appear to have contributed to women's involvement. Firstly, registration with the outgrower scheme is done at the individual basis and not household level, and all individuals, not only household heads, are eligible to join, including multiple members of a single household.¹⁰ Thus, women can join the scheme in their own right even if their husband is already a member: indeed, FGD participants cited examples of husbands and wives who were both members of the scheme. Secondly, in the two communities that account for over 50 percent of the female outgrowers, located in Geshiegu-Karaga District, the chiefs made considerable areas of land (approximately 50 hectares in Bagurogo and 40 in Tamaligo) available for use by any community member for mango cultivation, thus providing more opportunities for women to join the scheme.

However, women remain substantially under-represented as outgrower members. ITFC admitted that in the early days they promoted the scheme only amongst men. Mango production was perceived by the company and local communities as being a male domain, in part due to the strenuous nature of the work involved but also customary norms on land tenure. The company reportedly made no effort to try and

¹⁰ In contrast, restricting membership to household heads is a common membership criterion adopted by many outgrower schemes and producer groups, and tends to have a negative impact on female membership (see for example Chan, 2010).

locate women to discuss the scheme with them and improving access to livelihood benefits from the scheme, but they say this is now changing and they are reaching out to both men and women.

A key pre-requisite for becoming a member of the outgrower scheme is to have secure access to the land on which the mango trees will be grown. This creates an obstacle for most women as it is especially difficult for women to gain access to land for growing tree crops. Husbands and male relatives are particularly reluctant to allow women to grow perennial (as opposed to annual) crops, since this involves relinquishing control over that piece of land for more than two crop seasons. According to local custom, an individual who cultivates the same piece of land for more than two crop seasons in succession gains certain rights over that land which can make it difficult for the land owner to repossess the land. Male relatives are particularly reluctant to give unmarried women access because they fear that the woman's future husband, who according to traditional tenure practices has rights over all of his wife's assets, may claim rights over the trees and by extension the land on which they are grown. These customs mean that men are more likely to engage in perennial crop cultivation while women tend to stay focused on annual food crops.

Some of the tasks required for mango cultivation are also strenuous and seen as more difficult for women than men to perform, due to the degree of physical strength required. This includes digging deep holes into which the seedlings are planted, with one acre of land requiring about 100 trenches. Another barrier expressed by women as a challenge is the registration 'fee' of one bag of maize (or cash equivalent) required of all farmers who wish to join the scheme. Maize is generally a man's crop and women therefore have less direct access to it. This limits women's ability to register with the company. Moreover, even when women can obtain a bag of maize they are often more reluctant to relinquish it, since maize is a local staple crop and women have primary responsibility for feeding the household. Some men stated that this was also a barrier for them to joining the scheme.

However, this does not mean that women outgrowers are only from female headed households. In Gushie, four out of five female outgrowers were married and their husbands were also members. Generally ITFC encourages participation of households instead of individuals to keep to the arrangement of 1 acre per outgrower farm. However, multiple registrations per family effectively circumvent this rule. For instance, in Nyoglo the research team found out that one household has a five acre plantation. The supervisor in Gushie and Dipale said that he knew of three or four men who had more than one acre under mango production. This suggests, among other factors, a strong indication that mango production with ITFC's outgrower scheme is producing financial returns preferable to other land uses; and that some are keen to expand their mango plots.

Whilst the outgrower scheme cash flow in Table 3 predicts average incomes over time, the farmers are paid according to the quantity and quality of mangoes harvested. Grade A mangoes attract a higher price per kilogram of about 90 p/kg¹¹ while Grade B attract about 50 p/kg. Output levels fluctuate according to weather conditions. For instance, in Gushie a farmer who produced 60 crates last year had only 4 crates this year, while his wife who previously had 4 crates had 30 crates this year.¹² Overall, there do not appear to be any differences in productivity between men and women.

According to ITFC officials, a mango tree is expected to yield 10kg on average but initially they were getting only 0.17kg per tree. This was due to farm management practices including poor sanitation, incidence of pests and diseases and inadequate access to water. As a result, a dryland management expert

¹¹ 100 pesewa = 1 Ghana Cedi

¹² 1 crate = 18 to 20 kg

was hired to provide technical advice to increase productivity. This led to a 3,000 percent increase in yields. The quality of mangoes went up substantially with a 65 percent increase in the number of Grade 'A' mangoes produced on the nucleus farm and a 75 percent increase for outgrowers. Overall the quality of produce from outgrower farms is better than that from the nucleus estate. The reason for this is that on the estate an outbreak of disease spreads rapidly and affects the whole farm. Because outgrowers are limited to just one acre of land, any disease specific to mango is likely to be contained.

As indicated above outgrowers must provide labour continuously for five years before they begin to reap the fruits of their labour. Outgrowers reported that the labour requirements of their mango farms were greater than for any other crop that they cultivated. Much of the intensive work, including land preparation, planting of the seedlings, occasional tilling of the land, and frequent watering of the plants, needs to be done in the first few years. Additionally, due to the high quality standards of export markets, reject rates are significant, with some farmers reporting that they occasionally have their entire harvest rejected by ITFC because the fruit does not meet the required standards. In such cases the farmer does not receive any income at all: the outgrower shoulders the full risk of crop failure.

In FGDs conducted in Dipale, Gushie and Diarewith men and women outgrowers about 80 percent of the participants stated that the land now used for mango cultivation was previously used for food crops such as yam, maize and groundnut, but all agreed it had not had significant impact on their capabilities to produce sufficient food crops. The remaining 20 percent (in Janga, Bagurogo and Tamalgo) gained access to additional virgin lands through the chiefs specifically for mango growing with ITFC. Outgrowers have also been able to intercrop the mango orchards with food crops when the trees are young. However, free range animal husbandry has been banned on outgrower farms and the nucleus farm. Those who have poultry and animals such as goats have to keep and feed them with feedstock in pens and this has cost implications.

Income is received in July or August each year, which is often about three months after harvest, and this becomes a significant source of household income. The net income gained by farmers from mango production has been sufficient to allow them to make improvements to their dwellings and increase their assets. A farmer in Gushie stated that he had roofed his house with proceeds from the sale of mango, while in Nyoglo two motor bikes were bought and a house built from mango sale proceeds. However, it should be noted that this was a household holding of 5 acres. Many outgrowers reported to have gained confidence in mango production and are keen to expand. ITFC maintains the position that farmers are free to expand their mango production on their own farms but it must be independent of ITFC support.

A 66-year old outgrower made the following comments, which reflect the general mood expressed by the outgrowers interviewed:

ITFC came into the community to help us in the cultivation of mangoes. Their aim is to improve and better our yields as well as provide ready market for our produce. The company's operations are very beneficial to us. Teachers' bungalows have been built and health education is provided. We work in groups and use pipes to water the mango seedlings. We have also been promised of electricity and we are yet to receive that.

One concern male and female outgrowers raised in terms of making income more secure was a current lack of flexibility in the collection time for mangoes. Currently, if an outgrower's crop is ready before ITFC have begun collecting the harvest, the mangoes either go to waste or must be sold on the local market, which means that farmers lose out significantly due to the labour involved or the lower prices.

In terms of further specific gender implications, one area of concern is the impact of mango cultivation on women's workloads. The outgrowers rely mostly on family labour to manage their mango orchards, and women bear a substantial share of this burden on male-owned as well as female-owned plots: according to FGD participants, women and children are responsible for 70 percent of the tasks on mango plots, including watering and harvesting (whilst men are responsible for land preparation and planting). Women have to perform these tasks in addition to tending their food crops and undertaking their normal domestic work, thus experiencing an increase in their overall working hours. Married and household-head registered female outgrowers reported that they tend to rely more on paid wage labour on the mango plots.

Despite doing much of the work on the mango plots, wives of male outgrowers tend to receive little of the benefits from the increase in household income resulting from participation in the scheme. Wives reported that their husbands have tended to spend the mango income irresponsibly, on personal items rather than items or services that benefit the household as a whole. They attributed this to the fact that men receive the income directly from ITFC, and so women do not know how much their husbands are being paid. In contrast, with traditional crops, women are generally responsible for marketing the produce, so even though men generally control the income that the women bring back from market, women are at least aware of how much money their husbands are receiving, which makes it easier for them to ask questions of accountability.

On the other hand, registered, married female outgrowers believed that they have earned greater respect and contribute more to household decisions through their registered participation in the scheme. Those who participated in the scheme had additional income, some of which they were able to invest in their children's education. However, in the FGDs men denied any such increased recognition of women.

In addition to mango cultivation, any outgrower interested in beekeeping can access equipment through the same no-interest loan from ITFC but only after having successfully experimented using local hives such as pot or calabash on their farms. There are two seasons for honey production (February to April and September to October). High-quality honey is harvested during the February to April season. The price for a kilogram of honey is generally around GHS 10.00 and an individual farmer can harvest as much as 45 kg per season. According to the bee keeping officer, 80 percent of the honey proceeds for each harvest are deducted by ITFC until the total cost of inputs is cleared, at which point the farmer begins to receive all the proceeds from the sale of the honey. The first two batches of honey that are harvested must be sold to ITFC directly for sale in local markets while the subsequent produce can be kept by the out-growers for their own consumption or sale. The beekeepers sell the locally produced honey drink to their neighbours at GHS 1.0 per 1.5litre bottle. Honey production is not as labour intensive as mango outgrowing. It is complementary and easily manageable because the honey production season does not coincide with the mango harvest. Households benefit particularly from generating income outside of the mango season. Nine women outgrowers are involved in beekeeping out of the 75 beekeepers, a percentage that mirrors women's participation in the outgrower scheme. The use of income obtained from the honey sales differs within and between households, although it is generally used by men on household food and wood fuel expenses.

3.5 Other benefits and impacts

Finally, a number of additional commitments were made by ITFC to the local communities as part of the venture. In response to requests made by the Paramount Chief during the contract negotiation phase, ITFC agreed to support a number of social infrastructure improvements in the communities affected by the land acquisition. These improvements were included as specific conditions in the lease contract. ITFC paid for

the construction of three local primary schools. In addition, the company set up the ‘Send-a-child-to-school’ programme, which funds the purchase of teaching materials, provides accommodation for teachers and operates a scholarship programme that supports children from the local community to attend primary school. The company has also set aside 2 ha of mango plantation, the full proceeds of which are to be used to support the programme. Yields from the plantation have been insufficient to generate significant financial funds to date, but in the meantime the mangoes harvested are in the meantime being supplied directly to the schools for children to eat. The community is highly appreciative of the educational support, particularly the school feeding programme, which supports the school children with one hot meal a day, the provision of teaching and learning materials and the scholarship in the form of payment of school fees. There are no obvious gender biases in this support, although there are no strategies that target girls’ access to education explicitly.

ITFC also supports its staff in fighting the HIV/AIDS pandemic through a health package which was started in 2008. According to the company’s Health Officer, each worker contributes GHS 1 towards the health fund to support the HIV/AIDS programme. Under the programme, workers are entitled to bi-yearly voluntary counselling and testing. There are two medical doctors engaged to provide such service to the workers. So far, 125 women and 13 men have been tested.

In terms of infrastructure, ITFC has also supported the construction of a dam in Bagurogo, Gushe and Nabogo communities, and the extension of irrigation facilities to outgrowers there. The commitment shown by communities to be involved and make use of these facilities, has led ITFC to believe they would maintain the system even when ITFC is no longer there. Finally, ITFC has a biodiversity program that provides participating communities in the project area with education on the protection and propagation of indigenous tree species and medicinal plants. ITFC is also a strong advocate of bushfire prevention and has provided bushfire prevention education to farmers/outgrowers. Some outgrowers expressed that they would like more support in this area and could benefit from access to more fencing to assist with the prevention.

There were also just a few areas of disappointment amongst the community concerning support that was committed but not delivered. For example, ITFC had apparently promised to extend electricity to Dipale and upgrade the road. Informants also understood that a vehicle would be made available by IFTC to the Chief for his travels or for a sick community member to reach a health centre or hospital. However, this came in the form of money for transport each time the need arose, rather than the provision of a vehicle. Expectations regarding scholarships to be available to the community were also not met as they were capped at a maximum of two scholarships per year – one for a boy and one for a girl. These three scholarships are supporting nursing training, teacher training college and high school attendance. In the case of the Dipale community, the three scholarship beneficiaries were all male.

Overall, ITFC appears to be appreciated by workers and outgrowers. It is important to note, in the context of this paper, that from the outset the outgrower scheme received substantial support from a range of international and national donors, including the World Bank, Cordaid, the Cooperation with Emerging Markets program of the Dutch Ministry of Foreign Affairs (PSOM),¹³ the United Nations Development Programme (UNDP), the African Development Foundation and Ghana’s Millennium Development Authority (MIDA). The Government of Ghana, Ministry of Agriculture and CORDAID, a Catholic non-governmental organisation based in Netherlands, supported the construction of the OMOA office building in Gushie and MIDA helped them connect to the electricity grid. MIDA also resurfaced some of the roads to the outgrowers’ communities to reduce the amount of bruising on the mangoes while in transit. In 2004, Cordaid supported 400 outgrowers to join the scheme and provided support to set up OMOA by providing

¹³ Programma Samenwerking Opkomende Markten; Ministry of Economic Affairs; Netherlands)

legal expertise on contract negotiation between the association and ITFC. In 2005, the UNDP sponsored 100 outgrowers whilst the African Development Foundation sponsored a further 200. Additionally, funding from United States African Development Foundation (USADF) has supported farmers with loans to start their farms from the time the mango farming begins to the point of harvest. In addition, according to OMOA, through the Peace Corps volunteer program they have been able to provide education on health, sanitation and HIV-AIDS in all their target communities and, through the support of other NGOs in the Northern Region, capacity building training on policy advocacy, women's empowerment and gender equity to its outgrowers. It was not possible to investigate the impact of this training in the course of this research. This level of external support does raise significant questions regarding the replication of this investment model, and its potential for companies or governments to provide sufficient support for expansion of outgrower schemes such as this one.

4. Lessons learned and policy implications



4.1 Inclusivity and gender implications of ITFC

The ITFC case presents a broadly inclusive model. The company management undertakes operational decisions, but under its outgrower scheme control over much of the land is in the hands of outgrowers. The existence of an outgrowers' association enables farmers to exercise voice vis-a-vis the company management. Community perceptions of the initiative are overwhelmingly positive, and the study documented amenities and services provided by the company. The food security risks posed by ITFC are minimal given that outgrowers are encouraged to intercrop with groundnuts and the company has not undertaken large-scale land acquisition for its operations. However, the study also highlighted concerns that aspects of the contractual arrangement appear to favour ITFC, especially in terms of price fixing and marketing of produce.

Both outgrowers and company face and share risks unique to their roles and the terms of their contractual relations. While outgrowers' risks are largely production related (for example, the vagaries of the weather), management bears the bulk of financial and marketing risks. In the case of benefits, employment as well as Corporate Social Responsibility (CSR) activities particularly in the areas of health and education have resulted in cordial relations between ITFC and the local communities. The outgrowers expect an annual income of \$2,000 after 14 years, when debts are fully repaid. This promises better incomes for outgrowers than alternative livelihood sources in the area. There are however risks that this expectation might not be realised given the long time frame involved. Yet, outgrowers regard themselves as better off even now, compared to other farmers or labourers.

It must be noted that ITFC has received extensive development aid support, particularly with regard to its outgrower scheme. This raises issues about the extent to which the experience can be replicated and scaled since the need for development aid support, and therefore reduced financial risk, was a possible motivation for ITFC embarking on the outgrower scheme.

The land acquisition process reportedly resulted in some women having to walk further to access fuelwood and NTFPs, but this impact was not quantifiable, and no complaints in relation to this loss of access to resources are lingering twelve years on. However this did highlight the importance of assessing the implication for labour, income and women and youth's workload of the clearing of common pool resources. It appears that no women were involved in the investment negotiation process, and that no women were direct recipients of compensation for loss of family farmland or common pool resources.

In terms of employment, women secured 40 percent of all waged jobs, but disparities did result from vertical and horizontal job segregation by gender. In mango production, many women work in the packing units and this is certainly the case in ITFC. On the plantation women were represented equally to men in temporary employment but made up a very small fraction of permanent employees. Women were missing from senior management levels and were under-represented in managerial or supervisory roles because of their perceived lack of qualifications. Consequently, women have on average been earning less than men per month, and fewer women have succeeded in moving up the career ladder. Over-representation of women among casual workers make them disadvantaged compared to their male counterparts as better employment conditions are secured in permanent roles. Women also continue to bear most of all of the responsibility for domestic work so when they start working as wage workers they experienced an increase in their overall workload, combining paid work with domestic and other responsibilities. These patterns are ultimately rooted in prevailing socio-cultural attitudes towards gender division of labour.

Women workers have varying abilities to access their earnings but they usually give at least a portion of it to their husbands. The part that women retain can be spent on the household as they see fit, albeit they had

to inform their husbands about their earnings before spending them. Women's status in some cases is enhanced as a result of their earning capacities but in some cases the status quo remains.

Despite some efforts by OMOA to encourage female participation in ITFC's outgrower scheme the proportion of women members remains low (12 percent). The primary constraint preventing higher levels of female participation is women's more limited and insecure access to land (in relation to men). Mango presents a particular problem because men are particularly reluctant to give women land for growing tree crops since this involves giving up control over that piece of land for long periods. Other constraints include the strenuous labour demands of mango cultivation and the scheme's registration fee of one bag of maize. This is changing a little in the case of ITFC where households are registering multiple outgrowers. The wives (and other household members) of male outgrowers perform a substantial amount (70 percent was reported) of the labour on the mango plots. However, they typically receive little of the resulting benefits, since the men often spend much of the income gained on personal rather than household items.

4.2 Company practices influencing gender outcomes of agricultural investment

What the ITFC case study and the broader literature show is that a gender neutral *approach* does not generate gender neutral *outcomes*. This is because pre-existing socio-cultural conditions are such that, compared to men, women face much poorer access to land and other basic resources and services that are necessary to secure the potential benefits from the investment schemes. Some company practices can however inadvertently perpetuate and/or contribute to unequal gender outcomes. Firstly, negotiating/consulting solely with traditional (male) leaders, and not with the wider community, leads to women's needs and priorities being ignored in the terms and conditions of the land leases. Secondly, recognition of only individual and not communal property rights, and acknowledgement of ownership but not usufruct rights to land, means that women are excluded from all forms of direct compensation offered by companies – although this also limits men's access to compensation. Thirdly, in terms of waged employment, lack of proactive equal opportunities policies and practices means that gender inequalities exist in terms of access to more secure and better-paid jobs. Fourthly, regarding outgrower schemes, membership eligibility criteria, whilst understandable from a commercial perspective, can create barriers to entry for women outgrowers. Lack of representation within senior staff, or outgrower association executive committees may well add to limited progress on issues concerning women's access to the scheme.

Nevertheless, the ITFC outgrower scheme does incorporate several good practices that could usefully be adopted by other investment schemes and promoted by regulatory frameworks. Whilst they have clearly not succeeded in ensuring gender parity in scheme membership, there are indications that female participation rates would be even lower without the following practices in place. Encouragement of women's membership by the outgrower organisation and/or company has increased over time. This simply involves reaching out and including women in the promotion of the scheme. There is also no discrimination on the basis of sex under the registration process. The membership rules are such that scheme registration is done on an individual rather than household basis, and multiple members from the same household are allowed to join the scheme. As the experiences of other outgrower schemes indicate (e.g. Chan, 2010), women's poorer access to inputs means that without the provision of inputs on a loan basis even fewer women would be able to participate.

Last but not least, the choice of crop, coupled with the value chain stage(s) in which the company is involved, also appears to have a substantial influence on the gender outcomes of investments. The significance of perennial/tree crops, as opposed to annual crops, has already been noted. In addition, the fact that women represent a substantial majority of the workforce in both the packing and drying

operations at ITFC, in contrast to men's predominance in the plantation workforce, indicates that whether or not an investment scheme incorporates packing and/or processing activities has an influence on the proportion of waged employment opportunities available to women. This latter observation is supported by other studies of women's employment in the commercial agriculture sector (e.g. Chan, 2011).

4.3 Socio-cultural factors influencing gender outcomes of agricultural investments

Pre-existing socio-cultural attitudes and practices with regard to women's status, rights and roles have a strong influence on the gender outcomes. Women's poor and insecure access to land relative to men is a key factor. This not only limits their access to outgrower schemes, but has a bearing on how they are affected by the acquisition of land. Firstly, the tendency for women to have only usufruct and not ownership rights to land means that women are less likely to benefit from any direct compensation, since compensation is paid to those with customary ownership rights. Secondly, women's more limited access to land (compared to men) makes them much more dependent on communal resources for income-generating opportunities; as a result women suffer disproportionately from the loss of access to the communal land acquired by companies.

Women's marginalisation in decision-making processes at household and community level also has an effect. At community level, women's poor representation in traditional leadership structures is likely to have contributed to the lack of consideration of women's interests in the negotiations over the terms and conditions of land deals. At household level, women's weaker bargaining power has meant that wives have tended to receive a smaller share of the benefits where participation in the investment schemes has led to an increase in overall household income. Where married women have been earning a wage they are sometimes in a stronger position within the household and are likely to have a greater say over expenditure.

Women's overwhelming responsibility for domestic work is also been a factor. The research indicates that even when women have take on waged employment with nearby companies, they continue to shoulder the burden of domestic work. Thus scheme participation can increase women's overall workload, and as a result has place restrictions on their access to employment (lack of time to commute long distances to work) and on their wage earning potential (less time than men to do overtime/weekend work).

4.4 Implications for investment models: what does good practice look like?

The study findings point to several good practice principles that individual investors/companies should be guided by in order to support more positive gender outcomes. As already noted, the starting point is that being gender neutral is not enough: investors need to adopt explicit gender policies and take a proactive approach to ensuring that company policies and practices help to overcome rather than reinforce pre-existing gender inequalities. Furthermore, monitoring impacts and responding to differentiated impacts is also critical for managers given that not all such impacts can be anticipated at the start. Specifically, the findings indicate that companies should be encouraged to:

- Consult with a wide range of local community representatives (i.e. beyond the traditional authorities) in the contract negotiation phase, and use transparent and inclusive consultation mechanisms that ensure equal and effective participation of women and men in consultation.
- Ensure that compensation systems recompense those individuals who previously used the acquired land on the basis of possessing communal and/or usufruct rights over that land and/or its

resources. Women's compensation should be in proportion to their pre-existing use rights and benefits to household and communal land.

- Conduct a comprehensive assessment of the potential social and economic impacts of the land acquisition, including potential gender impacts, and take reasonable measures to minimise predicted negative impacts on women and men and maximize potential benefits.
- In the case of company-owned plantations, packing and processing facilities, adopt and implement equal opportunity employment policies and practices, including provision of adequate maternity leave and benefits, and provision of training and support to improve women's access to permanent and higher paid jobs, shorter or more flexible working hours and childcare services. Encourage the adoption of a decent work code of conduct, including mechanisms for facilitating social dialogue.
- In the case of outgrower schemes, ensure that membership criteria do not directly or indirectly discriminate against women's membership, for example avoid stipulating land ownership as a prerequisite for joining the scheme. Instead, consider basing membership eligibility on the principle of access and use rights or control over the produce: as long as you have been assigned land where you have control over the produce, you can become a member, regardless of whether you have ownership rights over the land itself (Chan, 2010; page 27). Furthermore promote that contracts are signed by men and women and adopt specific measures so that ancillary services provided to outgrowers help maximise opportunities for women to participate and benefit from the scheme. For example, where the company provides training to outgrowers, ensure that an appropriate proportion of the trainers are female. Experience shows that in general, female as opposed to male trainers are more effective at reaching and training women farmers (ibid.).
- Support awareness-raising initiatives to encourage more equal sharing of household income and decision-making between husbands and wives (see Chan, 2010 for specific examples of good practice).
- Ensure that the selection and design of social infrastructure projects address the needs and priorities of women as well as men in the affected communities.

4.5 How national and international regulatory frameworks could be improved to encourage good practice

Some of the challenges discussed in this report are rooted in national law and regulations. Therefore, addressing those challenges requires rethinking aspects of the current national regulatory framework. An underlying problem is that the interests of people that may be affected by investment projects, whether men or women, are not effectively protected by existing laws and procedures. As a result, these interests are often not taken into account either in the negotiation of land leases, or in the implementation of resulting investment projects.

A key issue here is the fact that the law grants traditional councils a high degree of power over land allocation decisions. But there are no effective monitoring or accountability mechanisms to ensure that land allocation takes place according to the law or chiefs' fiduciary duties. Experience shows that council members are prone to act in their personal interest, rather than for the benefit of the wider communities they are supposed to represent. The fact that these councils are largely male dominated and that traditional practices are often discriminatory poses a particular concern for the protection of women's interests. The law does accord women certain property rights, such as equal rights over marital property. But its entrenching of the power of male-dominated traditional authorities or councils militates against women being given equal rights and access to land in practice. This is because customary attitudes and practices in many parts of the country remain strongly patriarchal. So the existing regulatory framework governing land tenure needs to be reviewed, in particular the extent of powers that these regulations currently vest in

traditional councils. This is clearly both a highly political and complex arena for legal reform; however, it is difficult to envisage how a significant shift will occur in women's access to land unless this thorny area of regulation is tackled.

Also, existing regulations that govern large scale investments are not specific enough to ensure that investment projects will generate real positive development impacts and effectively protect the interests of local communities. There are also no clear guidelines on how financial benefits reaped from the leasing of land should be spent and no effective mechanisms to ensure that all proposed benefits to local communities are realised. The regulations that do exist, such as the guidelines for large scale land acquisition for agricultural and other purposes developed by the Lands Commission in 2012 are yet to be effectively enforced or implemented.

The primary benefit offered by an investor is employment. Although existing labour laws do provide some protection to female waged workers, these laws are generally not well respected or enforced in the private sector. In fact, the same goes for male employees. The problem is especially related with the informality of rural employment. This issue points to the importance of collective bargaining and effective producer organisations. But there are also important questions around how to strengthen the design and implementation of the national regulatory framework. In particular, the implementation of existing labour laws needs to be strengthened, for example, sections 55-57 of the Labour Act of 2003 that deal with employment conditions of women and section 68 of the same Act which states that "Every worker shall receive equal pay for equal work without any distinction of any kind".

The regulations governing large-scale investment need to be revised to incorporate specific requirements on investors to: (a) consult with a broader range of community representatives (beyond the traditional councils), including female as well as male representatives; (b) develop and implement detailed management plans to mitigate the negative social and economic impacts arising from their activities, including negative gender impacts; and (c) to pay compensation where appropriate to prior users of the acquired land, including those possessing usufruct and/or communal rights to collect 'wild' products from the affected land. These specific criteria should be used to screen potential investments, and land titles and EPA permits should not be granted to potential investors unless these criteria are met. Draft national guidelines to implement the international principles on Responsible Agricultural Investment, currently open for consultation, are a step in the right direction. The enforcement of national regulations needs to be improved by strengthening both the capacity and the accountability of the Lands Commission, the EPA and other relevant government bodies.

The Ghanaian government can and should also play a broader policy role that goes beyond the formulation and implementation of legislation. Relevant government ministries, including for example MOFA, MOWAC and the Ministry of Employment and Social Affairs, could make a significant contribution to the gender outcomes of land-related investments by implementing educational and awareness-raising initiatives to encourage more equal sharing of land and investment benefits between women and men. This could include specific initiatives targeted at educating traditional councils and authorities about the social and economic benefits of more equal allocation of land and other income-generating activities between women and men. It could also include broader public awareness campaigns to encourage more equal sharing of household land, income and decision-making between husbands and wives, as for example the Ethiopian government has done (Chan, 2011).

At the global level, recent years have witnessed important developments with regard to guidance on best practice for both governments and investors. The FAO Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, endorsed by the Committee on World Food Security in May 2012, provide important guidance for the governance of land resources. The guidelines emphasise the importance of local consultation and protection of local tenure

rights (Guideline 12). Gender equality is a key principle underpinning the guidelines (see e.g. Guideline 3B). The full implementation of these guidelines would be an important contribution to the realisation of the changes recommended in the previous paragraphs. The African Union Framework and Guidelines on Land Policy in Africa, and the recent recommendations from the 8th Annual Africa Development Forum on dealing with increased domestic and external pressures on land, provide also offer important guidance developed by African states on Land Policy and managing agricultural investments.

There has also been much discussion about the principles of Responsible Agricultural Investment (PRAI), a set of principles developed by the World Bank, FAO, IFAD and UNCTAD. Again, the principles are broadly in line with the changes recommended by this report. However, the RAI principles need to be revised to properly reflect the key gender issues identified in this study, and to encourage investors to adopt the specific good practice principles outlined above. It is hoped that the on-going inclusive consultation process led by the CFS to develop and ensure broad ownership of principles for responsible agricultural investments (CFS 2012) will take the PRAI forward to fully address the social and gender equity concerns so to ensure inclusive, gender-equitable investments in agriculture that contribute to enhance food security, reduce poverty and strengthen the livelihood of poor rural women and men. Equally, it is critical to ensure that organisations that represent the interests of (a) women smallholders (including women working as unpaid family labour on male-owned smallholdings), and (b) female waged workers in the agricultural sector are fully included in consultations relating to the development of international principles and standards.

Annexes



Appendix 1: Guidelines for considering large-scale land transactions for agricultural and other purposes

THE LANDS COMMISSION



GUIDELINES FOR CONSIDERING LARGE SCALE LAND TRANSACTIONS FOR AGRICULTURAL AND OTHER PURPOSES

PREAMBLE

In recent times there has been a spate of acquisitions of lands in Ghana involving large tracts of lands primarily for various agricultural ventures. The magnitude and frequency of these demands for land have been unprecedented. Apart from a few acquisitions that have been witnessed in the past for palm and rubber cultivation, most traditional authorities have never witnessed acquisitions of this magnitude. It is worth-noting that even past acquisitions that have engulfed large areas have been undertaken by government for such projects. In the case of mining concessions, the traditional authorities have not been directly involved in the negotiation processes and often get involved only in matters pertaining to surface rights after the concessions have been granted. In that most acquisitions in this regard have been *fait accompli* and therefore have not called into play the appropriate technical and traditional know how. Recent acquisition have been by private business entities often foreign but with local counterparts, private indigenes of these or other communities and in rare cases state institutions. This clearly is a new phenomenon that needs to be tackled with tact since it has several ramifications when analysed in the context of global changes in foreign investments. More importantly also is the clamour for access to land and water resources by these investors.

The import of these events can be better understood when it is appreciated that

- a. Most lands in Ghana are held by traditional leaders (family heads, clan heads, chiefs, priests etc). These institutions do not have the experience and indeed the tradition of managing grants of lands of that magnitude. Their skills are therefore overwhelmed by the mere size of such lands.
- b. Majority of land users in our rural areas where the demand for such lands is most in demand are smallholder farmers. Most of these farmers do not have registered interests in those lands they are using. Most of them also have only use rights either as natives or settlers. They are therefore vulnerable in several respects when a higher interest holder is negotiating for the release of such lands.
- c. Although customary processes exist in most of these communities for ensuring consultation between the leadership and the occupiers and users (usually the subordinate members of the landowning groups), these customary practices are being breached on the face of high monetary considerations. In conformity with good governance practices, it would be

appropriate to prescribe standard procedures that would ensure effective grassroots consultation with persons who would be directly affected by such acquisitions.

- d. In some cases the rights of subordinate and other subsidiary rights holders are flagrantly violated and abused and therefore would require the intervention of the state in furtherance of Article 36(8) of the Constitution of Ghana to ensure social justice.
- e. In some cases too, projects that are proposed to be executed on such lands would require appropriate safeguards to ensure the protection of the environment. Measures would therefore be required to be put in place to ensure the State's fulfilment of the responsibility on Government under Article 36 (9) of the Constitution.
- f. Most acquisitions are being undertaken without due regard to land use planning considerations. It is important to note that land use can achieve the maximum results only when it is put to its highest and best use. This can only be realised if the development is done within the framework of an appropriate land use plan.

This brief guideline therefore seeks to provide measures that should be put in place in handling large land acquisitions.

OBJECTIVES OF THE GUIDELINES

The objectives of the guidelines are:

1. To minimise speculative acquisitions and any practices that would jeopardise state policy on land development with due regard to the National Land Policy of 1999
2. To protect the interest of local communities by avoiding elite capture in order to fulfil the provisions contained Article 36 (8) of the Constitution with regard to the Directive Principles of State Policy.
3. Safeguard the interest of genuine investors by ensuring that their acquisition lead to secured rights in the atmosphere of mutual trust so as to promote the principles in international law relating to foreign direct investments (FDIs).
4. Promote better land use and ensure that all acquisitions are made for uses that would conform to the land use plan of the areas involved.
5. Promote government development policy objectives by facilitating development initiatives that would foster job creation and income generation, equity in resource distribution and balanced development in line with the Ghana Shared Growth and Development Agenda (GSGDA).
6. Ensure that the acquisition of large tracts of land conform to international best practices as enshrined in the FAO/World Bank guidelines on Responsible Agricultural Investment (PRAI).

THE LAND ACQUISITION PROCESS

STAGE ONE: PRE-REGISTRATION STAGE

Local Hearing/Forum

A local hearing/forum should be done before any lease is prepared although a preliminary agreement would have been reached between the GRANTOR and the GRANTEE spelling out the essential aspects of the grant such as the location of the land, size of the land, the term of the grant and the proposed use.

i) Purpose:

To ensure effective consultation at the grassroots level

A local hearing (public forum) within the area where the land is to be acquired must be organised. The purpose is provide an opportunity for all persons likely to be affected by the proposed acquisition of the land to have first hand information on how much land will be involved, where the land is, its limits, what use it is proposed to be put and what possible impacts the proposal will have on the local community. It will also be an opportunity to identify the concerns of the local community with regard to the acquisition and to find ways of addressing such concerns.

ii) Financing of the Forum

Financing of the public hearing/forum shall be by the acquiring body

iii) Facilitation

This process can be facilitated by a local NGO or CSO operating in the area in liaison with the Regional Lands Commission. The Regional Lands Officer in close liaison with the Representative of the particular District Assembly on the Regional Lands Commission will organise this forum. The Regional Lands Officer will upon consultation with the traditional leaders notify all persons required to attend the session at the time and place of the meeting, preferably within the locality. The purpose of the forum should be made known to all the parties including the acquiring body.

iv) Presiding over the Forum

The District Chief Executive of the area should preside at the meeting. The Regional Lands Commission should ensure that the proceedings are well captured using every available form of medium. The minutes of the forum must be certified by the representatives of all groups present and participating at the form as well by all the technocrats.

Each technocrat at the session should provide his/her informed preliminary opinion on the proposed acquisition and its conformity or otherwise with their plan in the District.

v) Participants

Participants must include but are not limited to the following:

- i. The Traditional Ruler/grantor or his representatives and his elders involved in land matters;
- ii. persons occupying and using any land within and contiguous to the land that is the subject matter of the acquisition;
- iii. The Officer in the District responsible for the following Government establishments:
 - a. The District Planning Officer of the Assembly
 - b. Ministry of Food and Agriculture,
 - c. Environment Protection Agency,
 - d. Lands Commission,
 - e. Department of Town and Country Planning;

Each of these agencies will be required to provide a briefing on the proposal from the perspective of their establishment. This will enlighten the participants on the issues at stake and to enable the local community appreciate the import of the proposal in its wider context.

- iv. The investor(s) or their accredited representative(s) with informed knowledge of the proposed project;

vi) Issues for consideration

Key facts to be made known before and during the forum will include the following

- a. The extent of the land must clearly brought to the knowledge of all participants;

- b. The plan for the proposed use must be displayed and the intended use must be adequately explained including any phased development and known impacts of the activity disclosed;
- c. Proceedings at the session must be recorded (in writing and possibly on video) and attested by representatives of the key participating groups;
- d. The record of the proceedings must be endorsed by the parties present including the traditional ruler or grantor.

vii) Dissemination of the outcome of the Forum

The Outcome of the Forum will be fed to

- a. The District Chief Executive of the area
- b. The Regional Lands Commission
- c. The Traditional Ruler
- d. The Traditional Council and
- e. All those who affirmed the proceedings

STAGE TWO – CERTIFICATION (CONCURRENCE) AND OR REGISTRATION

Upon receipt of the formal application for concurrence (stool/skin lands) or for registration (family lands) which must include a copy of the Feasibility Report on the proposal with justification for that extent of land, the Regional Lands Officer

- a. Must satisfy himself/herself that Stage One has been complied with and that there is majority agreement on the acceptability of the proposal and the grant of the land
- b. Must cause an inspection of the land to apprise the Regional Lands Commission of the key elements about the land and to ascertain the veracity of the report of the local hearing.
- c. If the land is 1000 acres or less, the Regional Lands Officer will make a recommendation to the Regional Lands Commission for its deliberation. The Grantor will then be appropriately advised in writing by the Regional Lands Commission on its opinion. In placing the matter before the Regional Lands Commission, the Regional Lands Officer must provide a summary report which must capture the essentials on the fact sheet attached.

ENVIRONMENTAL IMPACT ASSESSMENT

The grantee will also be advised to cause an Environmental Impact Assessment to be undertaken and a permit obtained from EPA after the grant has received the certification by the Lands Commission.

RECOMMENDATION TO THE LANDS COMMISSION

Where the land exceeds 1000 acres (approximately 400 hectares) a recommendation is made to the National Lands Commission for its consideration. This referral must be accompanied by

- a. The report of the local forum/hearing
- b. A brief report from the Regional Lands Officer with his recommendation, including the fact sheet.

TERM OF YEARS AND SIZE OF LAND TO BE GRANTED

In considering applications the provisions of the Administration of Lands Act, 1962 (Act 123) section 12, produced here in extenso:

12 (1) Except as provided in subsection (4), a grant of mining or timber rights in a land subject to this Act shall not, subject to articles 266 and 267 of the Constitution, exceed a term of thirty years for mining and thirty years for timber despite anything to the contrary contained in any other enactment.

12 (2) Except as provided in subsection (4), and despite anything to the contrary in any other enactment, a grant of a farming right to a land subject to this Act shall not exceed

- (a) In the case of land for poultry rearing or the cultivation of cereals, a term of ten years; or
- (b) In the case of ranching or the cultivation of mixed or permanent crops, a term of fifty years.

12 (3) Except as provided in subsection (4), a grant of a stool land to any one person and the aggregate of the grants shall not exceed as regards

- (a) mining rights, 51.80 square kilometres for a grant or, in the aggregate 155.40 square kilometres,
- (b) timber rights, 103.40 square kilometres for a grant or, in the aggregate 621.60 square kilometres, and
- (c) the right to collect rubber, to cultivated products of the soil, other than timber, or relating to the pursuit of animal husbandry,
 - i.) for an individual, 2.59 square kilometres or in the aggregate 7.77 square kilometres;
 - ii.) for a body corporate or unincorporated body of persons established or registered in Ghana 12.95 square kilometres or in the aggregate 25.90 square kilometres.

12 (4) The President may, in the case of a particular land where the President is satisfied that special circumstances exist that render compliance with the limits prescribed by this section prejudicial to the national interest or to the interest of a stool, direct that the grant of that land or any other interest in that land shall exceed the areas specified in subsection (3) and the land or an interest in that land may be granted although the limits are exceeded.

COMPLIANCE WITH PROVISIONS OF ADMINISTRATION OF LANDS REGULATIONS, 1962 (L.I. 232)

All grants and processing of documents for stool/skin lands should also comply with all the provisions of the Administration of Lands Regulations, 1962 (L.I. 232).

A. FACT SHEET FOR CONSIDERATION BY THE LANDS COMMISSION

S/N	FACTOR	YES	NO
1	Is the company registered in Ghana ?		
2	Is the company		
	i) wholly Ghanaian owned?		
	ii) wholly foreign owned ?		
	iii). Mixed holding: Ghanaian –Foreign holding?		
3	Does company have any tract record of the type of project or do		

	they have a partner who has track record? If yes, give details as attachment.		
4	What are the sources of funds for the investor or does the investor provide evidence of having the funds for the investment?		
5.	Has the company provided a feasibility study report or a project proposal? Attach a copy if yes.		
6	What is the size of the land?		
7.	What crops are intended to be grown?		
8	If land is not for agricultural purposes, what use the land is intended to be put.		
9.	Will the produce be for i.) Domestic market only or ii.) for Export only iii.) For both export and domestic market?		
10	What is the primary economic activity of the community in which the land is situated		
11	Does the proposal seek to integrate the local communities in the implementation process? If yes, and how? (Attach details)		
12	Does the proposed use conform with the planning framework of the area?		
13	What is the nature of the land holding system in the area?(provide an outline)		
14	How will the grant of the land affect the rights of the members of the community (to be obtained from the report of the local hearing)		
15	Are there settlements within the land? How are these settlements likely to be affected by the grant (to be obtained from the local hearing)		
16	Are measures proposed to address the concerns of persons adequate?		

Appendix 2: Details of Key Informants and Focus Group Discussions

	Project Communities	Focus Group Discussions				Key Informants	Institutions/ NGOs
		Gender Composition					
		For Men No.		For Women No.			
	Gushie (outgrowers)	2	15			1 woman	Association of Church Development Projects (ACDEP) ActionAid Ghana Environmental Protection Agency (EPA) Forestry Commission Lands Commission Metropolitan Agricultural Development Unit (MADU) Ministry of Food and Agriculture (MOFA) Women In Agriculture Development (WIAD)
	Malgonayeli	1	11	1	8		
	Diare			1	7	2 (certification officer + Field Assistant)	
	Tunayeli	1	10	1	5	2 (Chief/elders)	
	Tamaligo	2	14	1	5	1 (chairman of outgrower group)	
	Bagurogo	1	5	1		Chief and elder	
	Dipale	1	6			3 Headmaster, SCP + Dipale Chief and elder	
	Staff/Workers: - packing unit	1	7	1	10	2 (Maintenance supervisor, Accountant)	
	- Bee keepers	1	6				
	- Nursery	1	6				
	- Plantation unit	1	6	1	12		
		1	20	1 1	17 married 10 unmarried		
	- Processing unit			1	12	3 (OMOA adm. + 2 ITFC Managers)	
	- Teachers, SCP, Gushie	1	6				
	At Tamale: (Company Staffs)						
Total	8 communities	13	106	10	86	16 (1 woman +15 men)	

Appendix 3: Questionnaires and checklists for interviews

Interview Guide: traditional authorities, leaders of youth groups, tenant farmers, outgrowers, women's associations, male groups, producer associations

a) Land tenure

1. Who have access to land in this community? Men and women in your locality?
2. How do men and women get access to land in this area?
3. Is land acquisition difficult or easy for men and women?
4. Who are the major players in the process of land acquisition?
5. Do men and women enjoy equal representation in land negotiation?
6. Who gave permission for the commencement of operations?
7. Mention any large agriculture investment in your area? What is the total land area involved in this project?
8. Did the project displace some people? If so, which people and how were they resettled?
9. Did the project have any effect on forest, water and other common pool resources
10. What tenure arrangement did the investors enter into (in terms negotiation, compensation and number of years)?
11. Do you have different tenure arrangement for men, women and small holder farmers (in terms of access, ownership and control)? Yes/No, Explain

b) Labour and Income

12. What were the main sources of livelihood for men, women and the youth before the project?
13. What is currently the main source of livelihood?
14. If farming? What were the major and minor crops cultivated?
15. What are the main crops currently being cultivated?
16. Apart from farming what other sources of livelihood was common in this area?
17. Have you noticed any changes in sources of livelihood?
18. Does the project have any effect on the employment and income of men and women in the area? Who enjoy the most benefit?
19. How many men and women from the community have gained temporary or permanent employment in the company?
20. How many men, women and migrant farmers have been engaged as outgrowers?
21. Are there any indirect employment benefits as a result of the project for men and women?
22. Have farmers in this area benefited in terms of acquisition of new skills and technology from the project?
23. Does the project have any effect on the pattern of migration of men and women in this community?
24. Are there other benefits (schools, health facilities, boreholes, electricity royalties) to the community from the project?
25. Mention any problems arising from the project.
26. Mention what you would like the project to do for you

Checklist for Focus Group Discussions (women, men and youth groups)

1. Ask groups (exclusively males and females) to carry out an Activity Profile for households typical of the locality.
2. Ask the groups to identify which of the activities carried out by the household members (women and men) are rewarded or paid for and why.
3. Ask groups to carry out an analysis of ownership use and Control of Productive land typical of their locality?
4. Have you noticed any changes in the ownership and control of productive land within the last ten years?
5. What factors influence women and men's access to agricultural land in the locality?
6. What factors are responsible for the men and women's control over agriculture land in the locality?
7. Mention any large agriculture investment in this locality.
8. When did this project begin?
9. Has the project any impact on access ownership and control of land by men and women in this locality?
10. What are the implications, if any, of the changes on the wellbeing and workload of men and women?
11. What were the main sources of livelihood for men and women before the project?
12. How many of you are directly employed as skilled or unskilled labour by the project?
13. How many of you are permanently engaged or employed temporarily?
14. What are the working conditions for full time or part time skilled or unskilled worker relative to the average local wage?
15. Does the project offer some social security in terms pension or provident fund for you? Or does the project plan to give pension?
16. Are there any indirect employment arising out of the project. If yes, mention them.
 1. What has been the pattern of migration of the people in recent times as compared to the period prior to the project? (number of people, age group, sex, time of movement etc)?
 2. What are the positive benefits of the project for the livelihood of women and men.
 3. Have farmers in this area benefited in terms of acquisition of new skills and technology from the project?
 4. Are there other benefits (schools, boreholes, electricity, royalties) to the community from the project?
 5. Have men and women farmers in this area benefited in terms of acquisition of new skills and technology from the project? Mention them if any?

Interview Guide for Company Officials

1. What kind of the ownership structure do you have?
2. Do you have branches elsewhere?
3. What do you cultivate?
4. What is your total land area? Is it the size you needed? and how much of this is under cultivation?
5. How did you acquire the land and for how long and under what conditions?
6. How much of this land was occupied and unoccupied?
7. If unoccupied what plant species were there?
8. What arrangement did you have with those who were occupying the land but did not necessarily own the land?

9. Who were involved in the negotiations for the land?
10. Has there been any research in any way about this project? If yes what was it about and which institution conducted it and when was this research carried out?
11. What is the number of people and the gender composition of those who were occupying the land?
12. How many men and women are directly employed by the company temporarily and permanently?
13. How many men and women are outgrowers?
14. What skills or technology transfer programmes have men and women been given so far by the company?
15. What is the output per hectare from the company farms and those of the males and female outgrowers?
16. What relationship do you have with the central government, local government and traditional authority?
17. When did you start operation?

Interview Guide for Ministry of Food and Agriculture, NGO and District Assembly Officials

1. What are the main crops grown in this area?
2. What is the main land tenure regime in this area?
3. Does the process of land acquisition differ in the case of men, women or large agriculture investors?
4. What is the average farm holding and output per acre for men and women?
5. Mention any major agricultural investment projects in your District.
6. Do you think the average farm holding and output per acre has changed since the commencement of the project in your locality?
7. What is the estimated acreage of these projects?
8. What is the land ownership structure like in your locality?
9. How was the land acquired?
10. Has there been any compensation for the land owners and the land users? If so which people? Who presided over that?
11. Have some people been displaced by the project?
12. What is the effect of the project on livestock, food security, and non farm income
13. What is the level of collaboration between you and these companies
14. How many men and women have had permanent or temporary employment in the company?
15. Do farmers in the area benefit from the projects in terms of skills and technology transfer?
16. What are the main benefits of the project to men, women, youth and children in the area?
17. What are the main challenges of the project to men, women, youth and children in the area?
18. Do you think there are any lessons from this project to your outfit?
19. What in your opinion could have been done differently by the project
20. What in your opinion are the merits and demerits of the land reforms as per the 1992 constitution to men , women, investors , traditional authority and the state
21. Did the companies make any promises to the people which might have influenced them and are these promises being fulfilled?

Interview Guide for EPA Official, Northern Region

1. What are the requirements for large agricultural investments?
2. How many agricultural investment projects do you have in the region?
3. Which of these projects have complied with EPA regulations?
4. What is being done to ensure that all other such investment projects comply with the mandatory requirements?
5. What are some of the environmental concerns associated with large agricultural investments?
6. Has there been any breach of the environmental standards by these companies so far?
7. What options are available to individuals and the community if they suffer any environmental consequence arising from these projects?
8. What sanctions do you impose on companies which have failed to observe the needed environmental standards in their operations?
9. Do you have any gender considerations incorporated into your prescribed standards for large agricultural projects?
10. What working relationships exist between you and these companies?

Appendix 4: Gender disaggregated employment data across ITFC operations

How many workers are employed at:	Permanent		Temporary		Section Totals	Remuneration (GH¢)	Salary (GH¢)	Working hours (GMT)	Overtime Rate (hr/GH¢)
	Men	Women	Men	Women					
Plantation unit	122	7	39	33	201	4.48	120.98	07-14	0.5
Nursery unit	10	4	0	5	19	4.48	120.98	07-14	0.5
Packing unit	0	0	13	20	33	4.48	120.98	07-14	0.5
Processing unit	6	29	7	96	138	4.48	120.98	07-14	0.5
Offices	11	0	0	0	11	4.48	120.98	07-14	0.5
Staff on the Bee Keeping project	3	0	2	1	6	4.48	120.98	07-14	0.5
OMOA	60	0	0	0	60	4.48	120.98	07-14	0.5
Total	212	40	61	155					
	252 (with 15%F and 75%M)		216 (with 71% F and 29%M)						

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