**Analysing the undue manifestations of Compulsory Acquisition on the Land Rights of Indigenes**

**Abstract**

This paper highlighted the socio-economic and cultural disruptions endured by indigenous communities affected by compulsory land acquisition for state-led development initiatives. The objective was to analyze the efficacy of compulsory land acquisition concerning the existing legal frameworks in protecting indigenous rights. A systematic literature review was conducted, analyzing peer-reviewed articles published between 2000 and 2024. The findings revealed that legal frameworks, such as Ghana's State Lands Act of 1962, marginalized customary land tenure systems, leading to tenure insecurity, economic disempowerment, and cultural loss. Inadequate consultation, poor compensation mechanisms, and insufficient recognition of customary rights exacerbated challenges for indigenous communities. Recommendations included comprehensive legal reforms to integrate customary tenure into statutory frameworks and establish fair compensation practices. The paper is in tune with institutionalizing Free, Prior, and Informed Consent (FPIC) in land acquisition processes and strengthening local institutions through capacity-building initiatives. It suggested creating grievance mechanisms, awareness campaigns, and robust monitoring frameworks to enhance accountability and community participation. A more equitable land governance system that respects and protects the rights of indigenous communities in Ghana and beyond is an obvious necessity.

Keywords: Compulsory Acquisition, Land Rights, Socio-economic

**1.0 Introduction**

Land remains a cornerstone of socio-economic and cultural identity globally, particularly among indigenous communities whose existence is inextricably tied to ancestral territories. The doctrine of land tenure is not merely a legal arrangement for holding land; it is a reflection of identity, livelihood, and continuity for indigenous peoples. However, across the world, the rise of state-led development interventions often framed within the doctrine of eminent domain has led to the compulsory acquisition of land from individuals and communities, frequently without adequate consultation or compensation.

Compulsory acquisition, also referred to as expropriation or eminent domain, is the legal process by which a government takes private or communal land for public purposes, often without the landholder’s consent, though typically with a requirement for compensation (Studies, 2008). This legal mechanism is grounded in the belief that state interests in infrastructure, resource development, and public welfare can override individual or communal land rights. However, its application frequently raises tensions between state development goals and the rights of affected landholders, especially in contexts where customary tenure systems prevail.

This phenomenon, commonly known as compulsory acquisition or expropriation, has significant implications for indigenous land rights. It places them at odds with state interests in development and modernization. Compulsory acquisition has been a contentious issue, especially in settler-colonial societies such as Australia, Canada, and the United States, where land was historically seized from indigenous groups under legal regimes that did not recognize customary tenure. The doctrine of discovery, terra nullius, and similar colonial legal principles enabled governments to claim indigenous land without treaties or compensation (Watson, 2009). Despite recent efforts at redress through land claim settlements, constitutional reforms, and international frameworks such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), significant challenges remain in aligning national development policies with indigenous land rights.

In sub-Saharan Africa, the situation is equally complex. Here, customary land tenure systems coexist uneasily with statutory land laws introduced during colonial rule and retained by post-independence governments. Compulsory acquisition practices have been widely used to facilitate infrastructure projects, mining concessions, and urban expansion, frequently resulting in the displacement of indigenous communities. The lack of formal recognition of customary tenure and inadequate compensation mechanisms exacerbate land insecurity and perpetuate historical injustices. The document notes that most African states have expropriated land for public purposes based on inherited colonial legal frameworks that marginalize indigenous landholders (Arko-Adjei et al., 2009; Kasanga & Kotey, 2001).

Ghana presents a telling case in the sub-Saharan African context. Although approximately 80% of land in Ghana is held under customary ownership, the State Lands Act of 1962 (Act 125) empowers the government to compulsorily acquire land for public purposes without sufficient safeguards for indigenous rights. In many instances, compensation has been delayed or denied, and customary landowners are often excluded from negotiations and planning processes. As documented by Larbi, Antwi, and Olomolaiye (2004), the compulsory acquisition of land in Ghana has led to tenure insecurity, economic disempowerment, and social dislocation among indigenous communities. Furthermore, multiple sources in the uploaded document affirm that the state’s reliance on colonial expropriation laws, coupled with limited institutional capacity for land valuation and dispute resolution, has compounded the vulnerability of customary landholders.

The problem of compulsory acquisition transcends legal dimensions and enters the realm of human rights and cultural survival. Indigenous communities often view land as a spiritual and communal heritage rather than a commodified asset. Yet, in many compulsory acquisition processes, the emphasis remains on economic compensation, ignoring the cultural and social dimensions of land loss. Moreover, international best practices, such as free, prior, and informed consent (FPIC), as advocated by UNDRIP and the World Bank’s Environmental and Social Framework, are often neglected or inadequately implemented in national policies. Despite growing global recognition of indigenous land rights, compulsory acquisition remains a powerful state tool that disproportionately affects indigenous communities, particularly where customary tenure is not adequately protected by statutory law. In Ghana and many other sub-Saharan African countries, this disconnect between customary land tenure and statutory frameworks has allowed for the continued expropriation of indigenous lands, often without adequate compensation, legal protection, or cultural consideration. In response to this challenge, this study seeks to:
i. Examine the effects of compulsory acquisition on indigenous land rights through comparative case studies from selected global and African countries. ii. Assess the legal and institutional frameworks governing compulsory land acquisition in Ghana and their implications for the protection of indigenous tenure rights**.**

**2.0 Overview of Literature**

This systematic literature review explores the impact of compulsory land acquisition on indigenous land rights, touching on global experiences with emphasis on sub-Saharan Africa and Ghana. Across many regions, compulsory acquisition, often justified in the name of public interest, has resulted in the displacement of indigenous communities whose land tenure systems are rooted in custom and tradition. These actions raise significant legal, social, and economic concerns that have been widely documented in academic and policy research.

To guide the review, six thematic areas have been identified: 1) Legal and policy frameworks governing compulsory acquisition, 2) Recognition and protection of customary and indigenous land rights, 3) Socio-economic and cultural impacts of compulsory acquisition, 4) Compensation mechanisms and land valuation practices, 5) Free, prior, and informed consent (FPIC) and community participation, and 6) Comparative case studies across regions.

**1. Legal and Policy Frameworks Governing Compulsory Acquisition**

Legal provisions that grant the state the authority to acquire land for public purposes are widespread. In Ghana, the StateLands Act, 1962 (Act 125) empowers the president to compulsorily acquire land, a legacy of colonial-era land policies (Larbi, Antwi, & Olomolaiye, 2004). However, these policies often fail to recognize the complexity of indigenous land systems, resulting in power imbalances between the state and landowning communities (Arko-Adjei, 2011).

International standards such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention 169 affirm indigenous peoples' rights to land and call for due process and just compensation. Nevertheless, many countries lack adequate domestic legislation to enforce these standards (Alden Wily, 2011).

**2. Recognition and Protection of Customary and Indigenous Land Rights**

Customary tenure systems dominate landholding in many African countries but remain poorly integrated into statutory law. In Ghana, over 80% of land is held under customary tenure, yet these rights are insecure due to the lack of formal recognition (Kasanga & Kotey, 2001). As Arko-Adjei (2011) notes, the disconnection between statutory and customary systems creates legal uncertainty and weakens the land rights of indigenous communities. Some countries have taken steps toward legal pluralism. For instance, Kenya’s 2010 Constitution recognizes community land, and Australia’s Native Title Act 1993 provides a mechanism for acknowledging indigenous claims. However, such recognition is not universal and is often limited in practice (Boone, 2014).

**3. Socio-Economic and Cultural Impacts of Compulsory Acquisition**

The socio-economic consequences of displacement are profound. Bugri (2008) emphasizes that in Ghana, compulsory acquisition often results in landlessness, reduced agricultural productivity, and increased poverty. Cultural disruptions also occur, especially when land has spiritual or ancestral value that cannot be monetized (Larbi et al., 2004). Watson (2009) provides examples from Australia, where land loss equates to a loss of cultural identity. Similarly, in Ghana, the erosion of chieftaincy and traditional authority due to land acquisition has weakened community governance structures (Kasanga & Kotey, 2001).

**4. Compensation Mechanisms and Land Valuation Practices**

Many governments face criticism for undervaluing acquired land or failing to pay compensation on time. In Ghana, numerous cases reveal long delays and unfair valuation of land acquired under Act 125 (Larbi et al., 2004). The use of market-based valuation models often overlooks the communal and non-economic values associated with land in indigenous contexts (Studies, 2008). Deininger (2003) stresses that compensation must reflect not only the economic value but also the social and cultural loss. Lack of proper valuation tools and institutions has led to inequities and dissatisfaction among displaced communities (Bugri, 2008).

**5. Free, Prior, and Informed Consent (FPIC) and Community Participation**

FPIC is a key safeguard for indigenous land rights. International bodies like the World Bank and the United Nations emphasize that no project should proceed on indigenous land without community consent (World Bank, 2017; UNDRIP, 2007). However, in many countries, including Ghana, consultation is often tokenistic or bypassed altogether (Larbi et al., 2004). Barelli (2012) argues that FPIC lacks legal enforceability in many jurisdictions, reducing its effectiveness. The uploaded document supports this, showing how acquisition decisions are made without active involvement of affected communities, leading to mistrust and resistance.

**6. Comparative Case Studies Across Regions**

Comparative literature offers lessons from various jurisdictions. In Canada, indigenous land claims are constitutionally protected, offering communities legal tools to challenge land acquisition (Christie, 2005). In South Africa, the Restitution of Land Rights Act has enabled land return, though challenges remain with implementation (Cousins, 2007). Kenya’s reforms show promise, but enforcement gaps persist (Boone, 2014). The reviewed literature shows that while the legal authority for compulsory acquisition is well established in many countries, the protection of indigenous land rights remains weak in both law and practice. Across the six Tables, evidence suggests that failure to integrate customary tenure, ensure fair compensation, and uphold participatory rights contributes to land insecurity, social conflict, and loss of cultural identity. Future reforms must address these gaps to uphold equity and justice in land governance.

**Conceptual Framework**

The conceptual framework illustrates how compulsory land acquisition impacts indigenous communities through interconnected pathways. External factors, including international standards, colonial legacies, and development imperatives, shape legal frameworks that determine the recognition of customary rights, compensation mechanisms, and participation processes. These frameworks influence implementation contexts characterized by valuation practices, institutional capacity, and power dynamics that directly affect indigenous communities. The impacts manifest as economic hardship, social and cultural disruption, weakened traditional governance, and reduced tenure security. Communities respond through resistance, formal disputes, or adaptation strategies. This cycle, particularly evident in Ghana, where colonial-era laws like Act 125 undermine customary tenure systems, demonstrates how legal and institutional failures perpetuate indigenous land insecurity despite international protections like UNDRIP. The framework suggests that meaningful reform requires addressing both legal recognition of indigenous rights and implementation practices, especially valuation methods that incorporate non-economic values and participatory processes that uphold free, prior, and informed consent.

**EXTERNAL FACTORS**

International Standards &Frameworks

Colonial Legacies

Development Imperatives

**LEGAL & POLICY FRAMEWORK**

Legal & Policy Frameworks

FPIC & Community Participation

Compensation Mechanisms

Recognition of Customary Land Rights

**IMPLEMENTATION CONTEXT**

Power Dynamics

Institutional Capacity

Valuation Practices

**IMPACTS ON INDIGENOUS COMMUNITIES**

Tenure Security

Governance &Authority

Economic Impacts

Social & Cultural Impacts

**RESPONSES & OUTCOMES**

Conflicts & Disputes

Community Resistance

Adaptation Strategies

Figure 1: A Framework of Indigenous Land Rights in Compulsory Acquisition.

Source: Authors’ construct

**3.0 Methodology**

This paper employed a systematic literature review to investigate the impact of compulsory land acquisition on indigenous land rights, with a particular focus on the legal and socio-cultural implications within Ghana. The review was conducted in line with the PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) 2020 guidelines, which ensured a transparent, replicable, and rigorous process for identifying, selecting, and synthesizing relevant literature. A comprehensive search was conducted across major academic databases, including Google Scholar, JSTOR, Scopus, and ScienceDirect, to identify peer-reviewed literature published in English between 2000 and 2024. Search terms used individually and in combination included: “compulsory acquisition,” “eminent domain,” “indigenous land rights,” “customary tenure,” “land expropriation,” “State Lands Act,” and “land acquisition Ghana.” Boolean operators (AND, OR, NOT) were used to narrow or broaden results as appropriate. The search strategy was designed to capture both global case studies and country-specific analyses that relate to Ghana's evolving land governance landscape.

Ghana’s total land area stands at approximately 238,540 km², with agriculture occupying about 69% of this land. The country has a population of over 33 million as of 2023, with an annual population growth rate of around 2.1%. Agriculture contributes approximately 19.7% to Ghana’s GDP and employs 33% of the workforce, while the services sector remains the largest contributor at over 44.6% (GSS, 2023; World Bank, 2023). This socio-economic context underscores the critical importance of land for livelihoods, economic development, and cultural identity, and frames the significance of land acquisition practices within the country.



Figure 2. 2016 20 m resolution land use land cover (LULC) map of Ghana. Source: Kwawuvi et al. (2021)

The inclusion criteria required that articles: (1) were peer-reviewed and published in English; (2) directly addressed the topic of compulsory land acquisition; (3) included discussion of indigenous or customary land rights; and (4) provided empirical, legal, or conceptual insights relevant to Ghana or comparable contexts. Studies were excluded if they were non-academic, duplicated, unrelated to land acquisition, or lacked focus on indigenous communities or customary tenure systems. The article selection process followed the PRISMA framework. A total of 76 studies were initially identified. After screening for duplicates and evaluating titles and abstracts against the eligibility criteria, 34 full-text articles were assessed in detail. Of these, 25 studies met the final inclusion criteria and were selected for in-depth analysis. The selected works included a mix of legal analyses, qualitative case studies, policy reviews, and cross-country comparative research.

To ensure consistency, a standardized data extraction form was developed. The form captured key characteristics of each study, such as the title, author(s), year of publication, study location, methodology, findings, and relevance to the Tables under investigation. These data were then analyzed thematically using a qualitative synthesis approach. The analysis focused on six main thematic areas: (1) legal and policy frameworks governing compulsory acquisition, (2) recognition and protection of customary and indigenous land rights, (3) socio-economic and cultural impacts of compulsory acquisition, (4) compensation mechanisms and land valuation practices, (5) the role of Free, Prior, and Informed Consent (FPIC) and community participation, and (6) comparative lessons from other jurisdictions.

In the Ghanaian context, the review revealed a persistent tension between statutory authority and customary land tenure. Although approximately 80% of land in Ghana is held under customary ownership, the State Lands Act of 1962 (Act 125) grants the government sweeping powers to compulsorily acquire land for public purposes, often without adequate safeguards for indigenous rights. The literature consistently documents delays in compensation, lack of formal consultations with affected communities, and minimal recognition of the cultural and spiritual importance of land. These practices have contributed to the erosion of traditional authority, tenure insecurity, and a breakdown of trust between indigenous communities and the state.

Each selected article was evaluated using a modified Critical Appraisal Skills Programme (CASP) checklist to assess methodological rigour, clarity, relevance, and contribution to the research objectives. Studies that demonstrated strong analytical depth and contextual relevance were prioritized in the synthesis. Although this review did not involve the collection of primary data or direct engagement with human participants, ethical research standards were strictly upheld. All reviewed literature was properly cited and presented without misrepresentation. The review was conducted with sensitivity to the lived experiences of indigenous communities, particularly their communal attachment to land, and with a commitment to amplifying perspectives that are often marginalized in legal and policy debates. This study aims to inform ethically grounded reforms in land governance by highlighting the injustices faced by indigenous landholders and the need for more inclusive and culturally aware approaches to land acquisition.

This systematic review offers an evidence-based understanding of how compulsory land acquisition affects indigenous land rights, particularly in Ghana, where colonial legacies, weak statutory protections, and inadequate compensation mechanisms continue to undermine customary tenure systems. The findings underscore the urgent need for integrated legal reforms and participatory processes that respect and uphold the rights of indigenous and customary landowners.

**4.0 Systematic Analysis and Interpretation**

The systematic literature review and provided articles offer critical insights into the impact of compulsory acquisition on indigenous land rights, focusing on Ghana and comparative global case studies. This analysis synthesizes findings across six thematic areas identified in the literature review, integrating Ghana-specific and international perspectives to address the study’s focus on the effects of compulsory acquisition and Ghana’s legal and institutional frameworks.

**Table 1. Legal and Policy Frameworks Governing Compulsory Acquisition**

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| --- | --- | --- | --- | --- | --- |
| **Author(s)** | **Date** | **Objective** | **Methodology** | **Key Finding** | **Relevance** |
| Wily, L. | 2018 | Analyze constitutional provisions for compulsory acquisition in Africa | Conceptual and review-based analysis of constitutional provisions | African constitutions rarely define private property, and broad "public purpose" clauses enable expansive state acquisition, inadequately protecting customary landowners | Highlights legal vulnerabilities in Ghana’s frameworks and compares African contexts |
| Larbi, W. O. | 2008 | Explore policy options for compulsory acquisition in Ghana | Review of acquisition practices and state land management | State ownership of 20% of Ghana’s land via acquisition leads to issues like non-compensation and encroachment | Addresses Ghana’s legal and institutional challenges |
| Tagliarino, N. | 2016 | Assess national expropriation laws against international standards | Analysis of laws in 30 countries using 24 VGGT-based indicators | National laws often fail to meet international standards, particularly for indigenous rights | Provides global context for Ghana’s non-compliance with UNDRIP |
| Phan, H. T. & Nguyen, T. T. | 2022 | Analyze Vietnam’s legal framework for compulsory acquisition | Comparative legal analysis | Vietnam’s laws lack transparency and safeguards, similar to Ghana’s | Offers comparative insights for reforming Ghana’s frameworks |

In Ghana, colonial-era laws like Act 125 undermine customary tenure by prioritizing state-led development, often without adequate consultation or compensation (Larbi, 2008; Akrofi, 2013). Across Africa, vague definitions of “public purpose” in constitutions enable broad state discretion, weakening indigenous land rights (Wily, 2018). Internationally, standards like the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) advocate for indigenous protections, but Ghana and many countries lack domestic enforcement (Tagliarino, 2016). This misalignment fosters tenure insecurity and displacement, particularly in Ghana, where customary tenure is prevalent but statutorily marginalized. This Table highlights deficiencies in Ghana’s legal frameworks and compares them with global models, revealing opportunities for reform to strengthen indigenous tenure protections.

**Table 2. Recognition and Protection of Customary and Indigenous Land Rights**

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| --- | --- | --- | --- | --- | --- |
| **Author(s)** | **Year** | **Objective** | **Methodology** | **Key Finding** | **Relevance** |
| Adu-Gyamfi, A. | 2012 | Examine the impact of compulsory acquisition on indigenous rights in Ghana | Mixed-methods case study in Ghana’s Central Region | 82% of acquisitions in Ghana’s Central Region ignored legal procedures, undermining customary rights | Informs Ghana’s tenure insecurity issues |
| Adeogun, R. A. & Aigbe, F. O. | 2025 | Analyze compulsory acquisition under customary tenure in Nigeria | Qualitative interviews and doctrinal analysis | Discrepancies between statutory and customary laws leave indigenous landowners vulnerable | Comparative case for Ghana’s customary tenure challenges |
| McNeil, K. | 2004 | Analyze judicial treatment of indigenous land rights | Comparative legal analysis | Courts in Australia and Canada undermine indigenous rights through economic and political considerations | Highlights stronger legal frameworks for comparison with Ghana |
| Nettheim, G. | 2006 | Analyze native title cases in Australia post-Mabo | Critical analysis of key cases | Native title jurisprudence is compromised, limiting indigenous rights protections | Provides lessons for Ghana on legal recognition challenges |

The lack of statutory recognition in Ghana allows state laws to override traditional governance, exacerbating tenure insecurity (Adu-Gyamfi, 2012; Adeogun & Aigbe, 2025). Comparative cases, such as Canada and Australia, demonstrate progress toward legal pluralism, but economic and political pressures limit effectiveness (McNeil, 2004; Nettheim, 2006). Without legal protections, compulsory acquisition erodes indigenous land rights, leading to displacement and cultural loss. This Table underscores Ghana’s need to recognize customary tenure and draws lessons from global frameworks to enhance indigenous land rights protections.

**Table 3. Socio-Economic and Cultural Impacts of Compulsory Acquisition**

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| --- | --- | --- | --- | --- | --- |
| **Author(s)** | **Year** | **Objective** | **Methodology** | **Key Finding** | **Relevance** |
| Ewusie, I., Gyapong, P., & Asante, F. | 2024 | Explore the psychological and emotional impacts of acquisition in Ghana | Case study with surveys and thematic analysis | Only 10.3% of affected persons in Ghana were fully compensated, leading to distress and cultural loss | Addresses Ghana’s socio-cultural impacts |
| Moreda, T. | 2017 | Examine large-scale land acquisitions in Ethiopia | Qualitative interviews and focus groups | Acquisitions threaten indigenous livelihoods and culture, similar to Ghana | Comparative case for global impacts |
| Le, K. & Nguyen, T. | 2020 | Assess the impacts of farmland expropriation in Vietnam | Household fixed effects model | Expropriation reduces household welfare, especially for ethnic minorities | Highlights global socio-economic impacts for comparison with Ghana |
| Nyamura, K. G. & Bekele, B. | 2024 | Analyze the food security impacts of expropriation in Addis Ababa | Mixed-methods with surveys and interviews | Expropriation led to 80% food insecurity among displaced farmers | Comparative case showing livelihood disruption |

Compulsory acquisition often results in landlessness, reduced agricultural productivity, poverty, and cultural disruption. In Ghana, displacement affects livelihoods and traditional governance, while globally, indigenous communities face similar challenges, especially when land holds spiritual or communal significance. In Ghana, compulsory acquisition causes tenure insecurity, economic hardship, and cultural erosion, particularly when spiritual land values are ignored (Ewusie et al., 2024; Larbi, 2008). Comparative cases, such as Ethiopia’s large-scale acquisitions and Vietnam’s farmland expropriation, show similar livelihood and cultural impacts, with ethnic minorities disproportionately affected (Moreda, 2017; Le & Nguyen, 2020). Inadequate compensation, focusing solely on economic value, exacerbates these effects in Ghana and beyond. This Table illustrates the socio-economic and cultural toll of compulsory acquisition in Ghana and globally, emphasizing the need for frameworks that address non-economic losses.

**Table 4. Compensation Mechanisms and Land Valuation Practices**

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| **Author(s)** | **Year** | **Objective** | **Methodology** | **Key Finding** | **Relevance** |
| Akrofi, E. O. | 2013 | Analyze compulsory acquisition in Ghana’s customary areas | Case study with interviews in Tema and Kumasi | Inadequate compensation leads to disputes and encroachment in Ghana | Addresses Ghana’s compensation issues |
| Olanrele, O., Alias, A., & Said, R. | 2017 | Examine global compensation processes | Content analysis of laws and literature | Compensation methods vary, often leading to inadequacy | Global context for reforming Ghana’s valuation practices |
| Botchwey, G. | 2021 | Analyze non-payment issues in Ghana | Textual analysis of legal materials | Non-payment and exclusion of owners lead to potential state enrichment | Highlights institutional failures in Ghana |
| Otubu, A. | 2014 | Examine acquisition without compensation in Nigeria | Legal analysis of the Land Use Act | Nigeria’s laws allow non-compensated acquisition, similar to Ghana. | Comparative case for compensation reform |

Fair and timely compensation is critical to mitigating acquisition impacts, yet Ghana and many countries struggle with delayed, inadequate, or unpaid compensation. International standards advocate for comprehensive compensation, including social and cultural losses, but implementation is often weak. In Ghana, compensation under Act 125 is frequently delayed, undervalued, or unpaid, leading to disputes and encroachment (Akrofi, 2013; Ewusie et al., 2024; Botchwey, 2021). Globally, countries like Vietnam and Nigeria face similar issues, neglecting non-economic losses (Phan & Nguyen, 2022; Otubu, 2014). Standardized valuation methods incorporating cultural and intergenerational values are needed, a gap evident in Ghana’s market-based approach (Olanrele et al., 2017). This Table highlights Ghana’s compensation deficiencies and compares them with global practices, underscoring the need for reformed valuation processes.

**Table 5. Free, Prior, and Informed Consent (FPIC) and Community Participation**

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| --- | --- | --- | --- | --- | --- |
| **Author(s)** | **Year** | **Objective** | **Methodology** | **Key Finding** | **Relevance** |
| King, R. & Bugri, J. | 2016 | Examine acquisition and compensation in Ghana | Purposive sampling, interviews, and focus groups | Affected persons in Ghana lacked understanding and participation in the acquisition processes | Addresses Ghana’s lack of FPIC |
| Hagen, R. V. & Minter, E. | 2019 | Assess indigenous displacement in the Philippines | Ethnographic fieldwork and interviews | FPIC is ineffective due to institutional barriers | Comparative case for Ghana’s participation gaps |
| Lekgori, N., Kelebeng, K., & Gondo, T. | 2020 | Examine compensation perceptions in Botswana | Case study with interviews | Affected people felt excluded from compensation processes | Comparative case for improving participation in Ghana |
| Kombe, W. | 2010 | Analyze land conflicts in Tanzania | Case study of three acquisition conflicts | Lack of inclusive protocols leads to conflicts | Highlights need for participatory reforms in Ghana |

Free, Prior, and Informed Consent (FPIC), a key principle of UNDRIP, is often poorly implemented. In Ghana, minimal community consultation fosters resistance, while globally, inadequate participation undermines indigenous agency. In Ghana, the absence of FPIC in acquisition processes fuels mistrust and conflict (King & Bugri, 2016). Comparative cases, such as the Philippines and Botswana, reveal similar failures due to institutional barriers (Hagen & Minter, 2019; Lekgori et al., 2020). Meaningful participation could enhance legitimacy and reduce disputes, but legal and institutional reforms are required. This Table highlights Ghana’s lack of participatory mechanisms and compares it with global examples, emphasizing the need for FPIC integration.

**Table 6. Comparative Case Studies Across Regions**

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| --- | --- | --- | --- | --- | --- |
| **Author(s)** | **Year** | **Objective** | **Methodology** | **Key Finding** | **Relevance** |
| Simons, R. A. & Pai, S. | 2008 | Analyze indigenous land claims in Canada | Retrospective analysis of claims processes | Canada’s constitutional protections offer tools to challenge acquisitions | Comparative case for Ghana’s legal reforms |
| Wily, L. | 2018 | Analyze constitutional provisions in Africa | Review of constitutional provisions | Weak customary protections across Africa, including Ghana | Contextualizes Ghana within African challenges |
| Moreda, T. | 2017 | Examine land acquisitions in Ethiopia | Qualitative interviews and focus groups | Acquisitions threaten indigenous rights, similar to Ghana | Comparative case for global impacts |
| Kombe, W. | 2010 | Analyze acquisition conflicts in Tanzania | Case study of three conflicts | Conflicts arise from non-transparent processes | Comparative case for Ghana’s reform needs |

Comparative case studies offer lessons for balancing development and indigenous rights. Ghana’s colonial-era frameworks contrast with models like Canada’s constitutional protections and South Africa’s land restitution, though challenges remain globally. Ghana’s reliance on outdated laws, like Act 125, contrasts with Canada’s constitutional safeguards and South Africa’s restitution efforts, though both face implementation issues (Simons & Pai, 2008; Wily, 2018). In Ethiopia and Tanzania, large-scale acquisitions mirror Ghana’s challenges, exacerbating indigenous vulnerabilities (Moreda, 2017; Kombe, 2010). Legal pluralism and participatory processes could improve outcomes, providing actionable lessons for Ghana. This Table contextualizes Ghana’s challenges within global and African experiences, identifying reform opportunities to protect indigenous rights.

**Synthesis and Interpretation**

Compulsory acquisition disproportionately harms indigenous communities due to weak legal protections, inadequate compensation, and a lack of participation. In Ghana, the State Lands Act of 1962 perpetuates colonial marginalization, undermining customary tenure and causing tenure insecurity, poverty, and cultural loss. Comparative case studies from Canada, Kenya, Ethiopia, and others highlight alternatives such as constitutional protections and community land recognition, but enforcement challenges persist globally.

The analysis reveals Ghana’s legal and institutional frameworks as deficient in recognizing customary tenure, ensuring fair compensation, and incorporating FPIC, aligning with the study’s focus on assessing these frameworks. Global case studies provide models for reform, such as legal pluralism and participatory processes, addressing the study’s emphasis on comparative impacts.

**Conclusion**

The analysis of the impact of compulsory acquisition on indigenous land rights reveals a persistent tension between state-led development initiatives and the rights of indigenous communities. The systematic literature review underscores that compulsory land acquisition, often justified under the guise of public interest, leads to significant socio-economic and cultural disruptions for indigenous peoples, particularly in Ghana and similar contexts. The findings indicate that colonial-era legal frameworks, such as Ghana's State Lands Act of 1962, perpetuate vulnerabilities by marginalizing customary land tenure systems. Despite international frameworks like the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), national policies frequently fail to provide adequate protection for indigenous rights, leading to tenure insecurity, economic disempowerment, and cultural loss.

The evidence presented highlights that the lack of meaningful consultation, inadequate compensation mechanisms, and insufficient recognition of customary land rights exacerbate the challenges faced by indigenous communities. As compulsory acquisition practices continue to evolve, it is imperative to align national legal frameworks with international standards to ensure the protection of indigenous land rights and promote equitable development. To address these issues, the Ghanaian government should undertake a comprehensive review of existing land laws to integrate customary tenure systems into statutory frameworks, recognizing the rights of indigenous communities to their ancestral lands. Compensation for land acquired through compulsory acquisition must be fair, timely, and reflective of both economic and non-economic values, necessitating the establishment of standardized valuation frameworks that include social and cultural dimensions.

It is crucial to institutionalize Free, Prior, and Informed Consent (FPIC) in all land acquisition processes, ensuring that affected communities are actively involved in decision-making. Capacity-building initiatives aimed at strengthening local institutions governing land tenure should be prioritized, empowering community leaders to advocate for their rights. Establishing accessible grievance mechanisms will also be essential for addressing land acquisition disputes and fostering trust between communities and the state. Awareness campaigns focused on educating both indigenous communities and the general public about land rights can empower communities to assert their rights and garner support for protecting indigenous land rights. A robust monitoring and evaluation framework should be created to assess the impacts of compulsory land acquisition on indigenous communities, ensuring accountability and continuous improvement in land governance practices. By implementing these recommendations, Ghana can move towards a more equitable land governance system that respects and protects the rights of indigenous communities while facilitating sustainable development, ultimately addressing historical injustices and contributing to social stability and cultural preservation for future generations.

**References**

Adeogun, R. A., & Aigbe, F. O. (2025). Ownership and compulsory acquisition under customary land tenure in South-West Nigeria: A legal and socio-cultural analysis. *African Journal of Law, Political Research and Administration*.

Adu-Gyamfi, A. (2012). An overview of compulsory land acquisition in Ghana: Examining its applicability and effects. *Environmental Management and Sustainable Development*, *1*(2), 187-203.

Akrofi, E. O., & Whittal, J. (2013). Compulsory acquisition and urban land delivery in customary areas in Ghana. *South African journal of geomatics*, *2*(4), 280-295.

Arko-Adjei, A. (2011). Adapting land administration to the institutional framework of customary tenure. *Delft University of Technology, Delft*.

Ayimaa, R., Sarpong, C. K., Dinye, I. N., & Dinye, R. D. (2025). Land Tenure Security and Agricultural Productivity in Ghana: Insights from a Dual Customary and Legal Land System. *Asian Journal of Education and Social Studies*, *51*(5), 711-725.

Barelli, M. (2012). Free, prior and informed consent in the aftermath of the UN Declaration on the Rights of Indigenous Peoples: developments and challenges ahead. *The International Journal of Human Rights*, *16*(1), 1-24.

Boone, C. (2014). *Property and political order in Africa: Land rights and the structure of politics*. Cambridge University Press.

Botchwey, G. (2021). Compensation for lands compulsorily acquired by the state: Issues of non-completion of acquisition, non-payment of compensation and potential unjust enrichment: Compensation for lands compulsorily acquired by the state: Issues of non-completion of acquisition, non-payment of compensation and potential unjust enrichment. *UCC Law Journal*, *1*(2), 221-238.

Bugri, J. T. (2008). The dynamics of tenure security, agricultural production and environmental degradation in Africa: Evidence from stakeholders in north-east Ghana. *Land use policy*, *25*(2), 271-285.

Christie, G. A Colonial Reading of Recent Jurisprudence: Sparrow, Delgamuukw and Haida Nation”(2005). Windsor YB Access Just, 23, 17.

Cousins, B. (2007). More than socially embedded: The distinctive character of ‘communal tenure’regimes in South Africa and its implications for land policy. *Journal of Agrarian Change*, *7*(3), 281-315.

Deininger, K. W. (2003). *Land policies for growth and poverty reduction*. World Bank Publications.

Ewusie Jr, I., Tannor, O., Ahiadu, A. A., & Ntim, O. K. (2024). Exploring the psychological and emotional burden of compulsory acquisition: a case study of New Akrade-Mpakadan, Ghana. *Property Management*, *42*(5), 713-731.

Ghana Statistical Service (GSS). (2023). *2023 Annual GDP Report*. Accra: GSS.

Hagen, R. V., & Minter, E. (2019). Displacement in the name of development: How indigenous rights legislation fails to protect Philippine hunter-gatherers. *Society & Natural Resources, 32*(6), 678–694.

Kasanga, R. K., & Kotey, N. A. (2001, February). *Land management in Ghana: Building on tradition and modernity*.

King, R., & Sumbo, D. K. (2015). Implications of compulsory land acquisition and compensation in Ghana: a case study of land acquisition for the Suame-Buoho road reconstruction in Kumasi. *Journal of Science and Technology (Ghana)*, *35*(2), 100-113.

Kombe, W. (2010). Land Conflicts in Dar es Salaam: who gains? Who loses. *Cities and Fragile States Working Paper*, *82*.

Larbi, W. O. (2008, September). Compulsory land acquisition and compensation in Ghana: Searching for alternative policies and strategies. In *proceedings of the international seminar on state and public sector land management, Verona, Italy* (pp. 9-10).

Larbi, W. O., Antwi, A., & Olomolaiye, P. (2004). Compulsory land acquisition in Ghana—policy and praxis. *Land use policy*, *21*(2), 115-127.

Le, K., & Nguyen, T. (2020). The impacts of farmland expropriation on Vietnam’s rural households. *Review of Development Economics, 24*(3), 1010–1029. <https://doi.org/10.1111/rode.12667>

Lekgori, N., Paradza, P., & Chirisa, I. (2020). Nuances of compulsory land acquisition and compensation in Botswana: the case of the Pitsane-Tlhareseleele road project. *Journal of African Real Estate Research*, *5*(1), 1-15.

McNeil, K. (2004). The vulnerability of indigenous land rights in Australia and Canada. *Osgoode Hall LJ*, *42*, 271.

Moreda, T. (2017). Large-scale land acquisitions, state authority and indigenous local communities: insights from Ethiopia. *Third World Quarterly*, *38*(3), 698-716.

Nations, U. (2007). United Nations declaration on the rights of Indigenous peoples.

Nettheim, G. (2006). Compromised jurisprudence: native title cases since Mabo. *Australian Aboriginal Studies*, *2006*(2), 130-133.

Olanrele, O. O., Alias, A., Said, R., & Bello, N. A. (2017). Towards global uniformity and sustainable compensation valuation for compulsory land acquisition. *Journal of Design and Built Environment*, 27-37.

Otubu, A. K. (2014). Compulsory Acquisition Without Compensation and the Land Use Act. *Available at SSRN 2420039*.

Phan, H. T., & Spitzer, H. D. (2022). The Constitutionality of Compulsory Land Acquisition in Vietnam: Issues and Recommendations. *Law and Development Review*, *15*(1), 147-168.

Simons, R. A., & Pai, S. H. (2008). Indigenous Land Claims in Canada: a Retrospective Analysis. Indigenous Peoples and Real Estate Valuation, 77-101.

Studies, F. L. T. (2008). Compulsory acquisition of land and compensation. *Food and Agriculture Organization of the United Nations, Rome, Italy*.

Tagliarino, N. K. (2016). Encroaching on land and livelihoods: how national expropriation laws measure up against international standards.

Watson, I. (2009). Aboriginal laws and the sovereignty of Terra Nullius. *Borderlands*, 8(1).

Watson, I. (2009). Sovereign spaces, caring for country, and the homeless position of Aboriginal peoples. *South Atlantic Quarterly*, *108*(1), 27-51.

Wily, L. A. (2011). ‘The law is to blame’: the vulnerable status of common property rights in sub‐Saharan Africa. *Development and change*, *42*(3), 733-757.

Wily, L. A. (2018). Compulsory acquisition as a constitutional matter: the case in Africa. *Journal of African Law*, *62*(1), 77-103.

World Bank. (2017). *Environmental and Social Framework*. Washington, DC: World Bank. <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework>

World Bank. (2023). *Ghana Overview*. <https://www.worldbank.org/en/country/ghana/overview>