**Compulsory Land Acquisition in Ghana: Impacts on Customary Land Rights and Legal-Institutional Frameworks Review**

**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 assess how effectively current legal frameworks protect indigenous rights during compulsory land acquisition. 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, resulting in fragile land rights, diminished economic autonomy, and erosion of cultural heritage. Inadequate consultation, poor compensation mechanisms, and insufficient recognition of customary rights exacerbated challenges for indigenous communities. The paper recommended reforms to incorporate customary tenure into statutory law and enforce equitable compensation mechanisms. The paper aligns with the institutionalization of Free, Prior, and Informed Consent (FPIC) in land acquisition processes and the strengthening of 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, Institutional and Legal Frameworks.

**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 known as expropriation, 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 has significant implications for indigenous land rights. This dynamic often puts indigenous landholders in direct conflict with state-led development and modernization efforts. 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. Colonial legal doctrines such as the doctrine of discovery and terra nullius allowed governments to seize 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 triggered instability in land rights, weakened economic positions, and fractured community structures. 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.

Compulsory acquisition extends beyond legal issues, affecting 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. 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**

Many countries authorize compulsory acquisition through broad "public purpose" clauses. In Ghana, Act 125, dating from the post-colonial era, continues to guide compulsory acquisition with limited regard for the customary tenure systems (Larbi et al., 2004; Arko-Adjei, 2011). International frameworks like UNDRIP and ILO Convention 169 call for due process and compensation, yet implementation remains inconsistent across nations (Wily, 2011; Tagliarino, 2016).

This complexity has been extensively analyzed by Gordon Woodman, whose work on legal pluralism in Ghana demonstrates how statutory and customary systems coexist in tension. His analysis of judicial decisions (Woodman, 1996) and comparative land studies in peri-urban contexts (Woodman, 2004) remains foundational to understanding how Ghanaian courts and institutions interpret indigenous land rights.

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

Despite its prevalence in Africa, customary tenure systems remain poorly aligned with formal legal structures, heightening land insecurity (Kasanga & Kotey, 2001; Arko-Adjei, 2011). Ghana’s case exemplifies this disconnect. Though some countries like Kenya and Australia have made progress through legal pluralism and native title frameworks, such protections are not consistently enforced (Boone, 2014; McNeil, 2004).

It is important to note that the concept of ‘indigene’ in Africa is contested. As Home and Kabata (2018) argue, the term risks oversimplifying diverse identities and historical land claims, particularly in regions with complex migration patterns and ethnic politics. In this study, ‘indigene’ refers to communities with longstanding customary claims to ancestral land, consistent with how landholding is understood under Ghanaian customary law.

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

Land expropriation undermines both economic livelihoods and the intergenerational transfer of cultural practices. In Ghana, it contributes to poverty, landlessness, and social fragmentation, particularly when land has ancestral or spiritual meaning (Bugri, 2008; Larbi et al., 2004). Similar impacts are observed globally, including in Australia and Ethiopia, where land loss undermines both identity and survival (Watson, 2009; Moreda, 2017).

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

Compensation practices often fall short of international standards. In Ghana, delays and underpayment are common, especially under Act 125 (Akrofi, 2013; Botchwey, 2021). Market-based models overlook communal and cultural values, creating dissatisfaction among indigenous communities. Broader global patterns echo this issue (Deininger, 2003; Olanrele et al., 2017).

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

Despite its international endorsement, FPIC is often treated as a guiding principle rather than a legally binding requirement in many national legal systems. In Ghana, community participation in land acquisition processes is often minimal or symbolic, leading to mistrust and conflict (King & Bugri, 2016). Similar gaps are evident in the Philippines and Botswana, where institutional barriers hinder genuine consent (Hagen & Minter, 2019; Lekgori et al., 2020).

UNDRIP, adopted in 2007, affirms the right of Indigenous peoples to Free, Prior, and Informed Consent (Article 10), yet its implementation remains limited due to its non-binding nature. In Ghana, despite constitutional provisions and land legislation, FPIC is not formally codified, leaving affected communities vulnerable to tokenistic consultation. Barelli (2012) emphasizes that without legal enforceability, FPIC remains aspirational rather than practical, especially where state interests dominate acquisition processes.

**6. Comparative Case Studies Across Regions**

Comparative literature highlights divergences in how states manage compulsory acquisition. While Canada and Australia uphold indigenous rights through constitutional protections and legal pluralism, countries like Vietnam and Ethiopia reveal top-down acquisition practices with minimal community input. These comparisons illustrate that despite differing legal traditions, the global south often shares similar constraints in implementing equitable land governance, providing instructive parallels for Ghana. However, the absence of South American or East African models, such as Kenya, despite its landmark 2010 Constitution, points to a gap that future studies should fill.

**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 is especially evident in Ghana, where legal relics like Act 125 reflect entrenched colonial authority and continue to marginalize customary landholding systems. 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 inclusive processes that ensure affected communities have a meaningful say before land is taken.

**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**

The paper conducted a systematic literature review following PRISMA 2020 guidelines, examining literature from 2000 to 2024 on compulsory acquisition and indigenous land rights. Sources were identified through major academic databases using predefined keywords. After screening 76 studies, 25 met the inclusion criteria based on relevance, peer-review status, and thematic alignment. Key themes were analyzed across six domains, including legal frameworks, compensation, and FPIC. A data extraction form and CASP checklist ensured rigor and consistency.

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. Land Use Map of Ghana. Source: Iddrisu et al. (2017)

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. Following the PRISMA framework, the selection process began with 76 identified studies, which were later narrowed to 25 based on relevance and inclusion criteria. 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.

While the review period spanned 2000 to 2024, most relevant studies were published between 2000 and 2014. This is primarily because foundational research on compulsory land acquisition, legal dualism, and customary tenure, especially in the Ghanaian context, was produced during this period and continues to hold analytical relevance. Many of the challenges discussed in this study, such as colonial-era legal frameworks and tenure insecurity, are institutional and have persisted across decades. These issues are well-documented in earlier peer-reviewed literature that remains applicable to current conditions. Furthermore, peer-reviewed publications specifically addressing Ghana’s compulsory acquisition within the past five years were limited, making older yet seminal works an essential part of the evidence base.

Despite this, the review integrates internationally relevant frameworks such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007) and the World Bank’s Environmental and Social Framework (2017) to ensure that the analysis reflects evolving global standards and legal expectations.

The selection of comparative case studies was guided by relevance to Ghana's legal-institutional context, shared colonial histories, and availability of empirical data. Countries such as Canada and Australia offer contrasting legal protections for indigenous rights, while Ethiopia, Vietnam, and Tanzania share similar post-colonial challenges. The Philippines and Vietnam were included for their evolving FPIC policies, whereas South American and additional African examples like Kenya were excluded due to limited peer-reviewed material meeting the inclusion criteria during the screening process, although future studies could expand to these jurisdictions.

In the Ghanaian context, the review revealed a persistent tension between statutory authority and customary land tenure. Although Traditional land systems still dominate, controlling an estimated 80% of Ghana’s land area, 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**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **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 |

Ghana’s legal framework for compulsory acquisition, particularly the State Lands Act of 1962, derives from British colonial statutes such as the Land Clauses Consolidation Act of 1845, which prioritized state authority in land matters with limited safeguards for indigenous or communal rights. This colonial legal influence embedded the principle of eminent domain within Ghana’s laws, allowing broad state discretion through vaguely defined “public purpose” clauses (Wily, 2018). As a result, customary tenure systems, though managing over 80% of Ghana’s land, remain legally unprotected and vulnerable to state-led acquisition (Larbi, 2008; Akrofi, 2013). Despite global standards such as UNDRIP and the VGGT promoting Free, Prior, and Informed Consent (FPIC) and tenure recognition, Ghana’s domestic legislation continues to fall short of these protections (Tagliarino, 2016). Addressing these gaps requires a decolonial legal reform process that integrates customary systems into statutory law and enforces participatory mechanisms in land governance.

**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 |

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**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **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 provisions provide legal mechanisms for indigenous groups to contest land acquisitions. 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 weakened land rights, economic exclusion, and cultural erosion.

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 ensure that affected communities are fully engaged in transparent, pre-decision consultations. 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. Public awareness campaigns on land rights can empower indigenous populations and build broader societal support for reform. 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 toward a more equitable land governance system that respects and protects the rights of indigenous communities, while facilitating sustainable development and ultimately addressing historical injustices, thereby contributing to social stability and cultural preservation for future generations.

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