

OPINION PIECE

Criminalizing Cocoa Farm Destruction -

A Bold but Incomplete Step Toward
Sustainable Rural Development

By Participatory Development Associates (PDA)
April 2025

 Participatory Development Associates Ltd

 @pdaghoofficial

 PDA Ghana

 www.pdaghana.com

 info@pdaghana.com

 PDA TV

FACILITATORS | TRAINERS | CONSULTANTS | RESEARCHERS | EVALUATORS

“A nation that destroys its soil, destroys itself” – Franklin D. Roosevelt.

In recent years, the alarming rise of illegal mining (galamsey) has led to the widespread destruction of cocoa farms, inflicting devastating harm on both the environment and rural livelihoods. Every day, reports emerge of farmlands being excavated beyond repair, stripping countless individuals of their primary source of income. Recent studies by the Ghana Cocoa Board (COCOBOD, 2024) reveal that over 19,000 hectares of cocoa farmland have been affected by galamsey activities, particularly in the Eastern, Western, and Ashanti regions, which collectively account for more than 90% of the country's cocoa production. This widespread destruction has contributed to a significant decline in cocoa output, with the 2023/24 season's production projected to be nearly 40% below target (ICCO, 2024). Water bodies have also suffered immensely, with once-thriving rivers and streams now reduced to polluted, lifeless pits. This ongoing crisis is a stark reminder of Roosevelt's warning—when we compromise our land, we jeopardize our future.

President John Mahama's recent proposal to criminalize the destruction of cocoa farms for mining purposes is a commendable policy shift that signals a long-overdue alignment between environmental sustainability, rural livelihoods, and national development priorities. For a country like Ghana, where cocoa is not just an export commodity but a backbone of rural economies, contributing about 3% to GDP and employing over 800,000 smallholder farmers (COCOBOD, 2024), protecting cocoa farms is crucial to both economic and social stability.

Criminalization, if properly enforced, can serve as a strong deterrent to land degradation by raising the cost of illegal mining, especially for those who profit at the expense of vulnerable farming communities. It can also create a legal framework that empowers state institutions and traditional authorities to take swift action against violators. For instance, Brazil's crackdown on illegal logging in the Amazon, through a combination of criminal penalties and satellite monitoring, significantly reduced deforestation between 2004 and 2012 (Börner et al., 2015). In Ghana's own fisheries sector, the criminalization of illegal transshipment (saiko fishing) has started to yield results, with increased patrols and legal enforcement leading to fewer reported cases (Environmental Justice Foundation, 2018). These examples suggest that criminalization, when paired with institutional will and community engagement, can play a pivotal role in safeguarding natural resources. But while the proposed law is an important first step, it is far from sufficient.

Criminalization, without addressing the root causes that push communities to trade cocoa trees for excavators, risks being more punitive than transformative. Over the last decade, the surge in illegal and informal small-scale mining has created a troubling paradox. On one hand, mining promises quick financial returns in cash-strapped rural communities. On the other, it contributes to the rapid destruction of arable land, forests, and vital water sources, often leaving behind a trail of social and ecological damage.

Criminalization Without Justice Risks Punishing Poverty

Cocoa farmers, especially smallholders, are caught in a complex web of vulnerability. With falling global cocoa prices, limited access to resources, climate change, and deteriorating rural infrastructure, many feel forced to lease their land to miners just to survive. At its core, the destruction of cocoa farms for illegal mining is not just an environmental issue, it is a poverty and inequality crisis. While criminalizing such destruction may seem like a firm stance against galamsey, it can easily become a tool that criminalizes poverty, especially when the most vulnerable are driven by survival rather than malice.

Poverty as the Root Cause: Many of those engaged in galamsey are compelled by economic desperation. With limited job opportunities, plummeting cocoa prices, and a lack of support for sustainable livelihoods, they often see mining as the only viable path. Punishing them without addressing these structural issues risks penalizing poverty rather than criminal intent.

Unequal Power Dynamics: Enforcement efforts often target the visible, powerless actors on the farms while financiers, landowners, and politically connected individuals escape accountability.

The Invisibility of Women's Labor: Women play central roles in cocoa production but often lack land ownership. When farms are destroyed, they lose everything yet have no legal recourse.

Lack of Viable Alternatives: Without meaningful economic options, criminalization becomes another layer of exclusion for young people and single mothers.

Risk of Stigma and Abuse: Poor enforcement may lead to harassment and profiling, especially of rural youth, undermining trust and worsening marginalization.

Displacement Without Support: Communities already suffering farm loss may face further hardship without compensation or social protection.

Bottom line: If criminalization is to serve justice, it must be paired with serious investment in livelihoods, equity, and restorative justice.

Strengthening the Legal Framework

If carefully implemented, Ghana's proposed legislation could similarly signal that the state is serious about protecting cocoa lands. However, for such a law to have meaningful impact, it must be part of a broader legal and developmental framework.

For the proposed legislation to be effective and fair, it must be carefully designed. Key considerations include:

- **Clear Legal Definitions:** Clearly define what constitutes cocoa farm destruction. Include land leasing, intentional neglect, and unauthorized land conversion.
- **Alignment with Existing Laws:** Ensure harmony with land tenure, mining, and environmental regulations.
- **Enforcement Capacity:** Strengthen rural enforcement, train police to avoid abuse, and support community reporting systems.
- **Public Education:** Use local languages and trusted platforms to educate communities on their rights and responsibilities.
- **Clarify Land Ownership:** Many farmers do not own the land they farm. Engage landowners, traditional authorities, and families in legal co-responsibility.
- **Target Financiers and Enablers:** Don't stop at the farm. Criminalize the actions of those who finance, enable, or profit from illegal mining.
- **Political Will:** Ensure consistent, impartial enforcement free from political interference.
- **Monitoring and Data:** Leverage technology and local watchdogs to monitor encroachment and track violations.

A Call for Sustainable and Inclusive Development

At Participatory Development Associates, we believe that the path to truly sustainable land use in Ghana lies not just in prohibition, but in the participation of local communities, the protection of vulnerable groups and ecosystems, and the provision of viable alternatives. This holistic approach includes:

- **Inclusive and Sustainable Land Use Planning:** Communities must be meaningfully engaged in land use decisions, with clear mapping of zones designated for agriculture, mining, conservation, and settlements. Local knowledge systems and customary land rights must be respected and integrated into any new legal framework.
- **Livelihood Alternatives and Value Addition:** If cocoa farming is to be protected, it must also be made profitable. Government and partners should prioritize cocoa value addition at the local level, enhance access to processing equipment, and incentivize agroecological practices that boost yield and resilience.
- **Transparent Mining Governance:** The proposed law must be part of a broader effort to bring transparency and accountability to Ghana's mining sector. Communities need clear information on who is licensed to mine, where, and under what environmental safeguards. Violators, whether corporate or small-scale, should be held equally accountable.
- **Restoration and Compensation Mechanisms:** For communities already affected by cocoa farm destruction, there must be a clear path to ecological restoration and economic justice. This should include well-managed reclamation funds, reforestation programmes, and support for alternative livelihoods. Considering the climate finance commitments made at COP29, where developed nations pledged at least \$300 billion annually by 2035 (UNFCCC, 2024), Ghana must ensure that a portion of these funds reaches grassroots levels. Specifically, cocoa farmers and affected communities should directly benefit from climate financing, helping them rebuild their livelihoods and strengthen resilience in the face of environmental degradation. To maximize the impact of these funds, it is crucial to ensure that financial resources reach the grassroots level, directly supporting the farmers and communities most affected by environmental degradation.

We applaud President Mahama's recognition of the urgent need to safeguard cocoa farms. But for this proposed law to be truly effective, it must be rooted in a comprehensive development vision, one that centers rural voices, promotes inclusive growth, and understands that environmental justice and economic survival are two sides of the same coin. Let this be not just a legal shift, but a national call to reimagine how we use, value, and govern our natural resources for the benefit of present and future generations.

References

Börner, J., Kis-Katos, K., Hargrave, J., & König, K. (2015). Post-crackdown effectiveness of field-based forest law enforcement in the Brazilian Amazon. *PloS one*, 10(4), e0121544. <https://doi.org/10.1371/journal.pone.0121544>

Environmental Justice Foundation. (2018). Stolen at sea: How illegal 'saiko' fishing is fueling the collapse of Ghana's fisheries. <https://ejfoundation.org/reports/stolen-at-sea>

Ghana Cocoa Board (COCOBOD). (2024). Annual cocoa sector report. Accra: COCOBOD Publications.

International Cocoa Organization (ICCO). (2024). Cocoa market review - February 2024. Retrieved from <https://www.icco.org>

United Nations Framework Convention on Climate Change (UNFCCC). (2024). COP29 outcome document: Climate finance commitments. Retrieved from <https://unfccc.int>