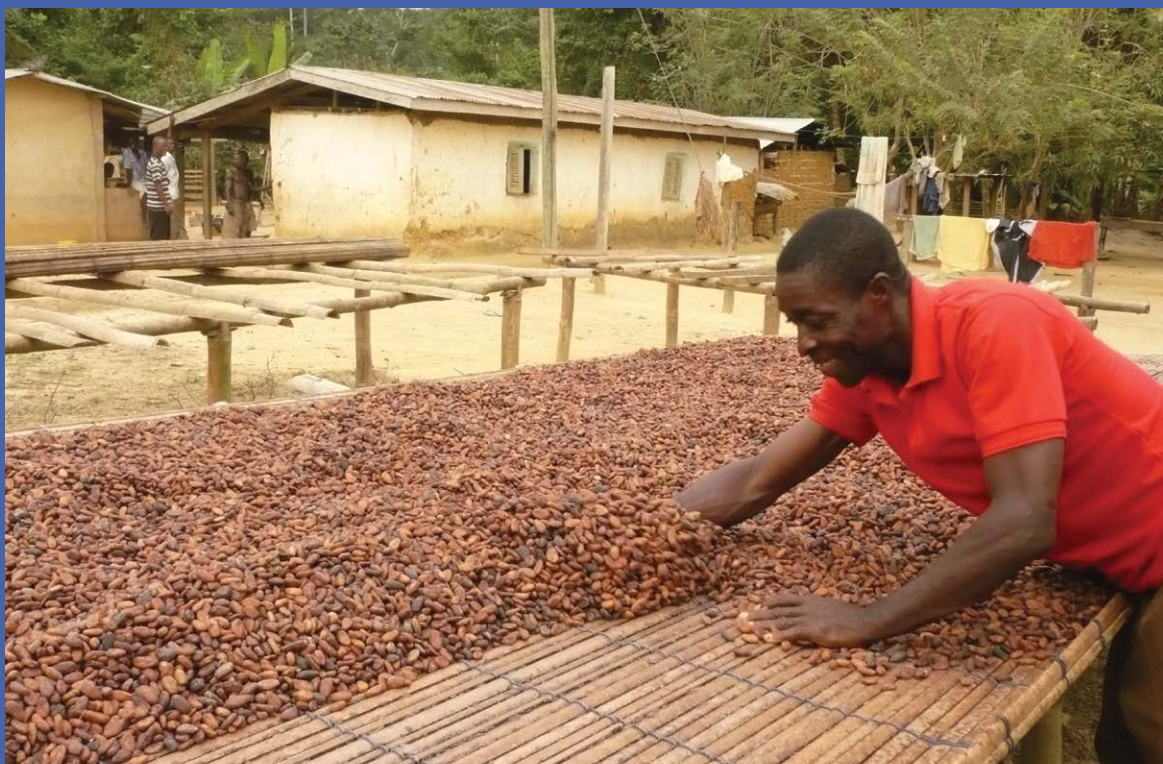


# Understanding changing land access and use by the rural poor in Ghana

John Tiah Bugri and Eric Yeboah



## **A study of changing land access in sub-Saharan Africa**

This report is part of a wider study to improve understanding of changing land access and use in sub-Saharan Africa. The study draws on case study research and literature from Ghana, Mozambique, Senegal and Uganda. A synthesis report and briefing are also available, alongside complementary reports and briefings from each of the four countries. These are listed below with hyperlinks where available. The country reports will all be available at [www.iied.org/pubs](http://www.iied.org/pubs) once published.

### ***Synthesis report and briefing***

Knapman, C, Silici, L, Cotula, L and Mayers, J (2017) Africa's farmland in changing hands: A review of literature and case studies from sub-Saharan Africa. *Research Report*. IIED, London. <http://pubs.iied.org/17598IIED>

Mayers, J, Knapman, C, Silici, L and Cotula, L (2017) Access to farmland gets quick and dirty in sub-Saharan Africa. *Briefing*. IIED, London. <http://pubs.iied.org/17399IIED> Also available in French and Portuguese.

### ***Country briefings***

Bugri, JT, Yeboah, E and Knapman, C (2017) Shifts in the landscape: increased pressure on rural land and livelihoods in Ghana. *Briefing*. IIED, London. <http://pubs.iied.org/17355IIED>

Filipe, E and Norfolk, S (2017) Changing landscapes in Mozambique: why pro-poor land policy matters. *Briefing*. IIED, London. <http://pubs.iied.org/17356IIED>  
Also available in Portuguese.

Niang, A and Knapman, C (2017) Land access for Senegal's small producers under threat. *Briefing*. IIED, London. <http://pubs.iied.org/17375IIED>  
Also available in French.


Tumushabe, G, Tatwangire, A and Mayers, J (2017) Catching up with the fast pace of land access change in Uganda. *Briefing*. IIED, London. <http://pubs.iied.org/17415IIED>

### ***Country reports***

Tumushabe, G and Tatwangire, A (forthcoming) Understanding changing land access issues for the rural poor in Uganda. *Research Report*. IIED, London.

Niang, A, Sarr, N, Hathie, I, Diouf, N, Ba, C, Ka, I and Gagné, M (forthcoming) Understanding changing land access and use by the rural poor in Senegal. *Research Report*. IIED, London.

Filipe, E and Norfolk, S (forthcoming) Understanding changing land issues for the rural poor in Mozambique. *Research Report*. IIED, London.



# Understanding changing land access and use by the rural poor in Ghana

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John Tiah Bugri and Eric Yeboah

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# Abbreviations

ADR	Alternative dispute resolution
CLMC	Community Land Management Committee
CLS	Customary Land Secretariat
DANIDA	Danish International Development Agency
DFID	Department for International Development, UK
FAO	Food and Agriculture Organization of the United Nations
FGD	Focus group discussion
GADCO	Global Agri-Development Company
GCAP	Ghana Commercial Agriculture Project
GREL	Ghana Rubber Estates Limited
GSS	Ghana Statistical Services
IFAD	International Fund for Agricultural Development
IIED	International Institute for Environment and Development
KII	Key informant interview
KNUST	Kwame Nkrumah University of Science and Technology
LAP	Land Administration Project
LRMC	Land Resource Management Centre (a land-based NGO)
LSLBI	Large-scale land-based investment
MiDA	Millennium Development Authority
MoFA	Ministry of Food and Agriculture
NGO	Non-governmental organisation
OASL	Office of the Administrator of Stool Lands
SADA	Savannah Accelerated Development Authority
Sida	Swedish International Development Cooperation Agency
UN-DESA	United Nations Department of Economic and Social Affairs
UN-Habitat	United Nations Human Settlements Programme

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# Executive summary

Land is a fundamental economic and social asset that is a source of both livelihood and social identity. This study highlights how rural people in Ghana face new pressures from increasing land scarcity. Our findings demonstrate that various drivers have far-reaching implications for land access and rural livelihoods and make food security increasingly vulnerable.

The study draws on a review of policy and relevant published, and some unpublished, analysis in Ghana together with evidence from two case study areas: in the south, Egyam, Punpune and Apowa communities in the Ahanta West District near Sekondi-Takoradi Municipality; and in the north, Savelugu and Nanton communities in the Savelugu-Nanton Municipal Authority around Tamale. Methods used to develop these case studies include household surveys, key informant interviews, focus group discussions and participant observation. The study highlights the need and makes recommendations for urgent and appropriate policy responses.

Competition for land amongst different actors and users is not a new development. But the extent to which multiple drivers are combining to put pressures on land in recent times – especially in rural and peri-urban areas of Ghana – is increasingly alarming. A dramatic increase in perceptions of tenure insecurity, compared with ten years ago, highlights this trend. With annual growth rates of 2.1 per cent (3.5 per cent in urban areas), it is clear that population and urbanisation are rising fast. The government is positioning the country as an attractive destination for large-scale agri-investments, but offers no pragmatic or coordinated strategy to respond to the spread of small-scale mining. Meanwhile the shocks and stresses on land wrought by climate change look set to intensify. All this suggests that pressures on land will continue to rise.

A steady shift towards the individualisation of land rights secured through quasi-market transactions is gaining traction. Market-oriented means of accessing land – long-term leases, renting or buying – are becoming increasingly popular. As demand for land rises, traditional land-holding institutions are subjected to intense pressures, thereby destabilising customary means of accessing land.

Land fragmentation is occurring at macro (family or stool/skin) and micro (individual) levels. Families – even those who are members of a stool or skin – are resorting to statutory declarations to claim exclusive ownership of traditional land holdings. Statutory declaration is a legal process, but it is opaque and questionable. Loopholes in the legal approach for statutory declarations erode possible safeguards for illiterate people, particularly in the rural areas, creating fertile ground for elite capture.

At the micro or individual level, average farm plot sizes are fast reducing. This trend is most pronounced in the more densely populated south. In the face of rising land pressures from the various drivers, we anticipate that average farmland sizes will get smaller still.

Changing modes of land access could be both a threat and an opportunity for men and women. Where women's access to land is dependent on their male kinfolk, smaller average plot sizes and the increasing commodification of land access are threatening their access further. Alternatively, a shift towards more market-oriented pathways for land access could also provide an opportunity – with the market as the means of access, the principal determinant is the ability to pay. This could improve land access for women who can afford it.

Changes in land use are presenting serious food security concerns. Transitions from domestic food crops to cash crops can provide more secure income in the short term, but threaten access to food in times of hardship and present long-term uncertainty. These transitions can exclude women from land access or reduce access to critical income for family welfare.

Elite capture of benefits from emerging land markets and opportunities presented by investment and the breakdown in accountability of traditional authorities are resulting in the reinforcing of hierarchies and the exclusion of citizens from land management. This is exacerbated and promoted through poor oversight and law enforcement in relation to large-scale acquisitions of land (either state-led or private), and poor access to justice.

Innovations at the grassroots level are helping to secure access to critical land and natural resources for some rural citizens. These include, for example, innovation in managing dwindling common property fishing resources, increasing levels of informal documentation of land rights, and experimentation with community dispute resolution and land management committees. These all aim to address inclusion in land governance, improve tenure security and access, and offer important lessons for initiatives at scale.

More formal state or traditional authority-led developments include the granting of grazing lands to pastoralists, promotion of alternative dispute resolution (ADR), support to Customary Land Secretariats (CLSs) and the review and consolidation of land laws to generate a comprehensive and coherent single Lands Act. These are all major steps forward towards stronger land governance, including balancing the strengths of customary land administration with statutory measures of protection for the most vulnerable. There is much more to be done in this area.

## Responses needed in the case study areas

In the southern sites, policy interventions should focus on supporting and building the resilience of communities affected by oil developments and associated dwindling land

access, including undertaking economic activities that are not directly dependent on land. Farmlands compulsorily acquired by the state without compensation should either be returned to their original owners immediately, with adequate and fair compensation being paid without further delay.

In the north, climate change is having a devastating effect, with extended periods of drought, torrential rains and flooding all becoming increasingly common. This is endangering access to food and livelihoods. The intensity and frequency that communities are experiencing drought and flooding call for immediate action. Policy interventions supporting a shift from rainfed agriculture must support irrigation in a way that benefits men and women equitably. The issue of herder-farmer conflicts also needs immediate action; Ghana needs to define and develop guidelines to manage nomadic herding activities.

## Recommendations to address the broader trends

To address the broader trends highlighted above, the following recommendations have been prioritised into three main arenas:

Ongoing land administration reforms and consolidation of land-related laws create opportunities for the legal empowerment of communities. Both state and non-state actors should enhance tenure security by ensuring transparency and strengthening farmers' capacity to demand accountability from the custodians of customary lands.

- Explore land readjustment options, including land pooling and block farming.
- Improve access to justice for rural citizens. Improving accountability of customary dispute and alternative dispute settlement mechanisms is an increasing priority and legal aid mechanisms could be critical.
- Reform and enforce compensation rules for compulsory acquisitions.
- Build on local innovations in documentation of local land rights and dispute resolution to address gaps in customary tenure systems and formal registration procedures that exclude most land users.
- Transform statutory declaration process to improve inclusivity and transparency for example through community forums for transfers of land from customary authorities to family ownership.
- Step up advocacy interventions on mechanisms to address the right to food and legitimate tenure rights, particularly those aimed at strengthening rural citizen's capacities to assert their rights (by the Ministry of Gender, Children and Social Protection, civil society members, community-based organisations and government departments such as Women in Agricultural Development).

Policymakers need to develop a national land use planning process to mark out available land and to consider national food production and security as part of economic growth strategies.

- Strengthen extension services for capacity building of rural citizens on land issues, especially for women and youth.
- Develop national level strategy on addressing herder-farmer conflicts building on experiences of formal land access for pastoralists.
- Strengthen capacity of the Customary Land Secretariats including through a rethinking of the self-financing model to level the playing field between high and low functioning land market areas.
- Further research into the effectiveness, efficiency, legitimacy and sustainability of community-based land management bodies (community land management committees and community-based dispute resolution committees).

Government policy needs to focus on strengthening smallholder farmers who are facing challenges in accessing land and securing livelihoods. This requires investment in agriculture and a strategy to improve the skills and productivity of smallholder farmers.

- Explore the role of high-yielding varieties and support for low-cost ecological farming methods for restoring soil fertility and increasing productivity.
- Ensure that the switch from food crops to rubber farming is carried out within the context of sustaining local food security.
- Build on livelihood diversification initiatives enabling producers to move higher up the value chain.

In conclusion, mounting pressures on agricultural land over the last ten years have had a significant impact on the way that land is accessed, managed and farmed in Ghana. The rapid pace of change is altering the rural landscape, causing smallholder farmers to farm smaller, more fragmented pieces of land, switching their crop choices as well as changing community-based land governance practices. This has social as well as economic repercussions, particularly on women and young people. The Ghanaian government needs to address state level policies around land governance and livelihoods so as to support farmers to develop sustainable livelihoods and ensure that current power imbalances can be managed and not increased. As Ghana is currently in the process of consolidating a number of land-related laws into a single Lands Act, there is an opportunity to address some of the challenges highlighted in this research.

# 1

# Introduction

## 1.1 Background: Africa's shifting landscapes

Africa's annual urban growth rate of three per cent makes it one of the world's fastest urbanising regions. But it remains largely rural; about 60 per cent of the population lives in the countryside (African Development Bank, 2013). African economies are largely driven by the agriculture and extractive sectors. Agriculture alone employs an estimated 65 per cent of the active labour force (World Bank, 2014). In this context, secure access to sufficient productive land amongst rural producers is critical for sustaining livelihoods, for food security at the household level, and for national development. For many, land is also a source of identity and belonging.

Yet land is becoming an increasingly scarce resource. Demographic growth, urbanisation, the changing climate, large-scale land acquisitions for investment and speculation, government development strategies and dwindling soil fertility levels all put pressures on land availability. This has far-reaching implications for citizens' land access and use, particularly among the rural poor.

It is against this backdrop that the International Fund for Agricultural Development (IFAD) and the International Institute for Environment and Development (IIED) collaborated with researchers in four African countries (Ghana, Senegal, Uganda and Mozambique) to investigate these issues. The research project 'Understanding changing land issues for poor rural people in sub-Saharan Africa' aimed to provide a snapshot of how land issues are changing across the continent. The initiative aims to provide insights and evidence to influence the design of interventions to help build pro-poor resilient rural economies.

Specifically the research set out to examine:

- The trends, drivers and players of changing land access in rural and peri-urban areas.
- The implications of changing land access for rural people and their livelihoods.
- The policy and practice implications of the changing issues, including existing institutional and policy responses to changes and those that might be needed.

This report shares the findings from the research conducted in Ghana. Ghana has a land mass of approximately 240,000km<sup>2</sup> and an estimated population of 25 million. It is a rapidly urbanising country, with 52 per cent of the population living in urban areas (UN-DESA, 2015). Seventy per cent of the population are smallholder farmers who depend on the land for their basic needs (Nin-Pratt and McBride, 2014). Competition for this land is growing, forcing changes in the way land is accessed by different users and the way it is being governed. This report explores these growing pressures, along with the changes in land access and implications for rural livelihoods.

## 1.2 Methodology

The study involved a review of relevant literature and policies, as well as case study development based on field research in two sites. Field research was conducted in contrasting sociocultural and economic contexts to generate insights into the diversity as well as the nature and impacts of pressures on Ghana's rural and peri-urban lands. One site was a collection of communities in the Western Region in southern Ghana; the other site was in Ghana's Northern Region (see Section 1.3 below).

Qualitative and quantitative research methods were employed to capture insights into the broad range of issues to be examined in the field sites. Methods included household surveys, key informant interviews (KIIs), focus group discussions (FGDs), and participant observation. Stakeholder mapping identified informant groups for the research at the local and national level.<sup>1</sup> Key informants were then selected through a combination of purposive and snowball sampling procedures. Survey respondents were selected through a random sampling technique and were pre-screened – the respondents were active land users with some knowledge of and engagement in local land tenure dynamics. The household survey was conducted first, generating both qualitative and quantitative data, and providing preliminary observations that offered areas for further probing in FGDs and KIIs. FGDs were held with chiefs and traditional elders, women's groups, youth groups and men, and along with the KIIs generated further qualitative data.

---

1 Informants were selected from the following stakeholder categories: men, women, fisherfolk, farm-based organisations, migrant farmers, chiefs, usufructs, youth, pastoralists and civil society organisations, local government authorities and local elected representatives, the Ministry of Food and Agriculture (MoFA) at district and regional levels, the Department for Gender and Women in Agriculture, the Lands Commission and the Office of the Administrator of Stool Lands (OASL) the courts, and other local and national actors whose roles have direct implications for rural land dynamics including investors (from large agricultural and oil exploration firms).



Trained field research assistants administered the semi-structured questionnaire to 290 respondents across the two field sites – 140 in the southern case study area and 150 in the northern site. A total of 56 KIIs and 10 FGDs were conducted.

Figure 1: Male to female ratio of survey respondents in the northern case study

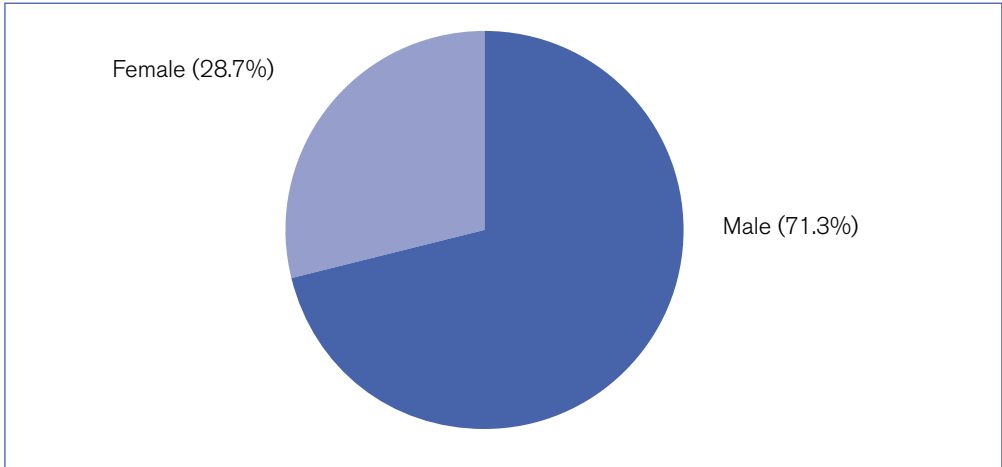
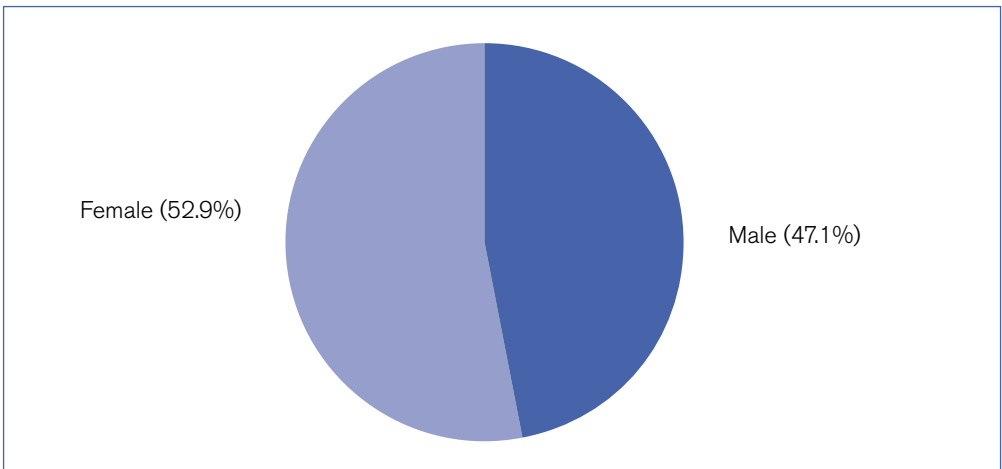


Figure 2: Male to female ratio of survey respondents in the southern case study

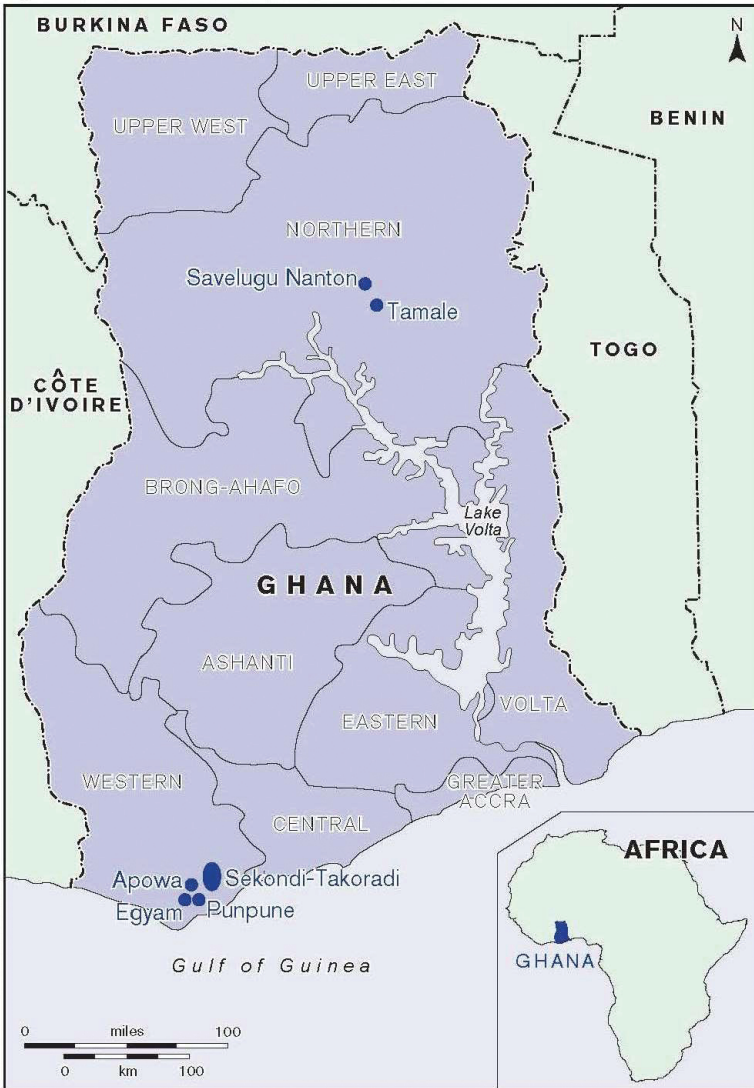


In the northern case study area, 71.3 per cent were male and 28.7 per cent were female. In the southern case study area, 47.1 per cent were male and 52.9 per cent were female (see Figures 1 and 2). The male to female ratios reflect the general trend across the country, where men generally play a leading role in land-related decision making (Nkansah, 2009; Sittie, 2015). The predominance of males in the north and females in the south could be due to the patrilineal land inheritance practised in the north and the matrilineal system practised in the south.

### 1.3 Site selection and case study profiles

Case study sites were selected in the north and south of Ghana. Whilst the sites are not representative of the respective parts of the country, the north-south dichotomy in Ghana is stark (World Bank, 2006a) and was therefore a logical point of reference for selecting contrasting sites for data gathering (Figure 3).

Figure 3: Map of Ghana showing the case study areas



In the south, research was conducted in three communities – Apowa, Egyam and Punpune – that are administratively part of the Ahanta West District, one of the Western Region's six coastal districts. The communities are not far from the Sekondi-Takoradi urban area. A particular feature of West Ahanta is the presence and impacts of the oil industry. Operations began here in 2007. The dominant pressures on farmland are commercial crude oil exploration, population growth, government-led compulsory acquisitions of large tracts of land for services to support the oil industry, large-scale agricultural ventures, and real estate developments. Master-planned communities that provide fully integrated business hubs for West Africa's oil, gas and mining industries have had direct implications for the supply of land, for land values and enticing speculation.

In the north, research took place in an area close to the city of Tamale, in the communities of Nanton and Savelugu in the Savelugu-Nanton Municipal Authority. In this area, dominant pressures on land include a rapidly changing climate, large-scale land-based investment, rapid population growth and heightened land speculation following the proposed construction of an international airport.

## 1.4 Organisation of the report

The report is made up of seven chapters. Chapter 1 provides the background, context and research methodology. Chapter 2 provides a brief overview of land tenure dynamics in Ghana. Chapter 3 examines the dominant and emerging trends, drivers and actors shaping land access in the case study areas as a backdrop to Chapter 4 which explores the experiences of rural land users of changing land access brought about by the different pressures. Chapter 5 sets out some innovations in local level land governance that are seeking to address some of the pressures and accountability gaps experienced, and Chapter 6 outlines some key policy priorities in response to the issues uncovered by the research. Chapter 7 concludes the report by highlighting some of the key findings and setting out policy recommendations.

# 2

## A brief overview of land tenure arrangements in Ghana

An extensive body of literature provides insights into the complexities of customary land governance in Ghana and the current attempts to streamline land governance to deal with contemporary pressures (Cotula, 2007; Bugri, 2013; Obeng-Odoom, 2012; 2013). Far from being static, customary systems have been continually evolving in response to new realities (Blocher, 2006; Obeng-Odoom, 2014). Not only do some issues relating to land administration and addressing tenure security fall through the gaps between customary and statutory systems, transparency and accountability appears to be eroding at the local level (Kasanga and Kotey, 2001; Cotula, 2007; Yeboah and Oppong, 2015).

Ghana has a pluralistic legal environment where customs, statutes and customary/statutory hybrids are recognised as valid laws if they are consistent with the constitution. In the land sector, this is reflected by three variants of land ownership (Kasanga and Kotey, 2001):

- **Public lands** are owned by the state, which is responsible for taking management-related decisions on such lands. About 18 per cent of land in Ghana is state owned.
- **Customary lands** are collectively owned on ethno-tribal lines. An allodial title vests ownership in the collective entity – a tribe, family or ethnic group – and is designated by a stool or a skin. The holder of the stool or skin is most often a chief, who is at the top of the hierarchy of the land-owning group. Chiefs and other traditional authorities who hold land are trustees and are expected to ensure that all members of the group benefit from the collectively-owned resources. Defining 'family land' in Ghana

is complex. Even when an allodial title vests in a stool or skin, families always have a portion of land they exclusively control by virtue of their standing as customary usufructs. But in some areas – such as the Upper West and Volta Regions – the allodial title vests directly in the families and the skin or the stool does not control such lands. Members of these groups should have equal right of access to such lands. Some 80 per cent of lands in Ghana are customary lands.

- **Vested lands** are a hybrid between state and customary lands and account for just two per cent of Ghana's lands. They come under a form of split ownership in which the state manages the lands as the legal interest holder, with communities becoming beneficiaries of state land management according to the 1962 Administration of Lands Act.

Different families come together to constitute stools/skin. However in some instances, families have employed legal pathways (such as statutory declarations, discussed below) to break away from stools/skins in order to have greater autonomy over their land. Unsurprisingly, this results in fragmentation and contestation between such families and their respective stools/skins. Family lands enjoy some privilege and exemptions. For example, revenues from family lands in the form of royalties and ground rent are paid directly to the families, while in the case of stool/skin lands, the Office of the Administrator of Stool Lands (OASL) collects the revenue and disburses it according to a constitutional formula (see Article 267 (6) of the Ghanaian constitution). The transfer of family lands does not require approval from the Lands Commission. So family lands enjoy a kind of 'elevated status and autonomy' compared to stool/skin lands.

Customary landholding practices in Ghana, which govern access to most land, do not follow principles of non-discrimination. As in many customary arrangements, there are secondary rights holders who may be dependent upon others for access and whose rights may be more precarious, and when land comes under pressure, they are most likely to lose out (Cotula, 2007; German *et al.*, 2011; King and Bugri, 2013). For example, land access in Ghana tends to favour use and ownership by men, especially when it comes to inheritance. Under the patrilineal mode of inheritance, women inherit land through their male relatives, for example their husbands and sons. Daughters may be able to inherit land from their mothers under the matrilineal system, although more often nephews inherit from their maternal uncles, even in matrilineal settings (Kevane, 2004; Kotey and Tsikata, 1998). In effect, despite the co-existence of the matrilineal and patrilineal modes of inheritance, neither guarantee equitable access nor control over land, with women being worse affected.

There are strong contrasts in tenure arrangements between different regions and tribal groups, but also in the status of customary tenure between areas where population densities are high (more urbanised) and traditional systems have been significantly eroded, and areas of low pressure on the land (generally more rural/remote) where

traditional systems tend to prevail. However, there is increasing interest amongst chiefs in more and less remote areas alike to attract development to their areas. Incentives are even higher if chiefs and elites stand to gain. If done without rigorous needs and impact assessments, and without due accountability and transparency, land once perceived as abundant can soon come under pressure and conflicts can arise.

Land ownership and access mechanisms are dynamic and respond to socio-cultural and demographic pressures. New forms of pressures on land are emerging all the time. All these are shaping and redefining land ownership and access mechanisms and all have implications for rural land users. In this report, we draw evidence from the case study sites to investigate these changes and highlight the linkages they have with land tenure and livelihood security.

# 3

## Changing pressures on land: trends, drivers and actors

Land tenure systems define how land is owned, accessed, held, and used (Kasanga and Kotey, 2001). Although it is possible for a single factor or driver to shape prevailing land tenure practice, it is more common for multiple drivers to be at play concurrently. In this chapter, we detail some of the big drivers of change in Ghana, with insights into how these are playing out in the case study areas.

### 3.1 Population growth and urbanisation

Ghana's current population growth rate is around 2.1 per cent (UN-DESA, 2015). Urban areas are expanding at an annual rate of 3.5 per cent, compared to the rural growth rate of 0.9 per cent (*ibid*). An estimated 52 per cent of Ghana's population live in urban areas, compared to the West African average of 45 per cent and the sub-Saharan African average of 38 per cent.

The World Bank (2013) estimates that urban centres have the potential to drive economic growth and technological development because an estimated 70 per cent of global GDP is generated from urban areas. However, urban centres in Ghana have yet to fulfil their potential for expediting rapid economic development. This is because urbanisation is largely proceeding on an unplanned, unsustainable basis without the necessary basic

infrastructure (UN-Habitat, 2009), and instead is resulting in the ‘urbanisation of slums and poverty’ (Awumbila *et al.*, 2014).

Urbanisation processes in Ghana compete with agricultural lands in the urban periphery (Yeboah and Shaw, 2013). But the loss of agricultural lands is not the only implication of urbanisation on rural farming communities. Perceived employment opportunities and better facilities (schools, hospitals, recreational centres) in urban areas can be strong pull factors for youth and the active labour force, reducing the agricultural labour supply in rural areas. Rural communities now have an aging farmer population (Government of Ghana, 2007).

The Western Region has seen dramatic ‘oil-induced urbanisation’ – in particular whereby the discovery of oil in commercial quantities fuels rapid urbanisation in surrounding areas, largely as a result of in-migration (Obeng-Odoom, 2014). In Ahanta West, the population rose from 95,000 to 135,000 between 2000 and 2014 representing a 42 per cent rise over 15 years (GSS, 2014a). This rise has had a corresponding effect on urbanisation across the district, as over the same period the populations of six communities have crossed the 5,000 mark, becoming officially ‘urban’. This has been influenced by rapid population growth and urbanisation in neighbouring Sekondi-Takoradi Metropolitan District.

Similarly in the northern study site, rapid urbanisation in the Tamale Metropolitan Area is having spill-over effects in the case study areas. Over the past few decades, Tamale witnessed phenomenal growth, with a population increase of 116 per cent between 1984 and 2000, accompanied by a spatial expansion of 137 per cent from 1989 to 2005 (Fuseini, 2014). In Savelugu-Nanton, about 20km away from Tamale, the population rose by 50 per cent from 91,000 to 138,000 between 2000 and 2010 (GSS, 2002). Its urban area doubled in the same period (GSS, 2014b).

## 3.2 Changing climatic conditions

Africa’s contribution to climate change is limited relative to other world regions, yet it is particularly vulnerable to its effects (Boko *et al.*, 2007). This is because agriculture, particularly rainfed subsistence agriculture, is heavily affected by climatic conditions, and is the mainstay of most African economies. The effects of climate change are being felt across Ghana, although different ecological zones face particular challenges. In the northern savannah belt, rainfall is becoming increasingly erratic in terms of timing and intensity. Floods, which can submerge both buildings and farms and cause the loss of human lives, often follow immediately after an extended drought. In 2007, Ghana experienced one of its most devastating floods, affecting 280,000 people (IRIN, 2007) who lost arable land and vital productive resources.



Droughts are causing devastating impacts on the livelihoods and survival of the people of Savelugu-Nanton and other northern communities (Fuseini, 2014). Farming in these areas is mainly rainfed and more frequent extended periods of drought mean farmers cannot cultivate their land as frequently as in the past. Extended drought is resulting in rivers and water bodies drying up, making irrigation difficult. This heightens competition for access to water by different actors – pastoralists for their animals, farmers for their crops, households for domestic use. Communities such as Kukuobila and Libga near Savelugu-Nanton, with dry season water access, are facing seasonal competition as others are coming in search of water. In some instances, this competition results in disputes. Some communities are facing health risks (waterborne diseases and infections) when humans and animals are forced to share water bodies. Extended drought also raises the risk of bush fire, which displaces people and causes internal migration. In 2011, fire destroyed about 150 farms in Savelugu-Nanton, including a considerable area of a private mango plantation, and over 200 farmers were displaced (Npong, 2011). This and many incidences of bush fires have prompted the local government authority to ring-fence budgetary allocations for preventive measures (Savelugu-Nanton, 2012)

The effects of the changing climate are affecting farming activities in both the study areas. In addition, local fisherfolks along the coast in Ahanta West are experiencing the proliferation of seaweed, a result of both climate change and oil exploration (see Section 3.7), with adverse impacts on their livelihoods.

### 3.3 Compulsory state land acquisitions

Article 18 of the Ghanaian constitution guarantees private ownership of land and property. But this right is not absolute: Article 20 empowers the state to compulsorily acquire land and property, as long as the acquisition promotes public interest. What constitutes 'public interest' remains contentious, but the constitution outlines issues relating to public health and safety, public order and morality, among others, as examples. There have been compulsory land acquisitions in both the case study areas.

When oil was discovered in Ghana in commercial quantities, the need to establish a refinery was considered to be of prime public benefit. This resulted in a government-led acquisition of approximately 1,200 acres in the Apowa, Punpune and Egyam enclave around the Sekondi-Takoradi area. The publication of an executive instrument extinguished all community rights to the land. Although the land was compulsorily acquired in 2007, construction has not yet commenced and the surrounding communities are yet to receive compensation.

In the Northern Region, a government decision to upgrade Tamale Airport to international status involved the compulsory acquisition by the government of 8,000 acres in the Savelugu Nanton Municipality, Kunbungu and Sagnarigu Districts and the Tamale

Metropolitan Area. This has significantly reduced the supply of land for rural and peri-urban land users, who mainly used these lands for farming and grazing. Again, those who have lost land are yet to be compensated.

### 3.4 Land speculation

Land speculation is common when future events are expected to hike up land values. The discovery of oil in commercial quantities made the whole Ahanta West District area a hotspot for speculation, with Apowa and Egyam the most affected communities. It was not possible to ascertain the exact amount of land acquired by speculators in Ahanta West. Many transactions are private and concluded without the knowledge of the Lands Commission.

Alarmed by the land rush in the area, the local government sought international support to develop a master plan to guide development in the area.<sup>2</sup> But this was after speculators had already acquired some 13,000 acres of land (Lands Commission, 2013). This included, for example, the entire stretch of land on either side of the 15km road between the district capital Agona Nkwanta and Apowa, and speculators are now reallocating these lands to investors seeking to build warehouses, vehicle service centres, and fuel retail outlets, among others.

The government's decision to upgrade Tamale Airport also sparked off speculation around the Savelugu-Nanton area in the north. The deputy Northern Region minister noted that the decision to upgrade the airport has resulted in an 'influx of land merchants and speculators who are aggravating the land market in the metropolis and its surrounding towns and villages' (Fuseini, undated). Speculation may also be a vehicle for local actors and elites to capture anticipated gains through systematic land aggregation (Lentz, 2013). Speculation pushes up land prices and reduces the supply of land for agricultural purposes for rural land users.

### 3.5 Large-scale land acquisition for agriculture and other investments

Recent years have seen renewed interest from investors in acquiring long-term access to large areas of farmland, including in developing countries. Developing country governments have been restructuring to attract international finance and promote land-based investments. The implications of land deals for agricultural and other natural resource investments have sparked widespread concern and political debate globally and nationally across Africa. On this issue, Ghana is no exception. Generating a precise

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2 The Korean government provided assistance to the District Assembly (Modern Ghana, 2009).

picture of the scale and actors involved – both local and foreign – remains challenging. Government data (eg from the Ghana Investment Promotion Centre (GIPC) or the Lands Commission) can be inconsistent and evidence generated by civil society organisations is often incomplete, and the controversies associated with the issue may at times be oversensationalised. The Land Matrix, which aims to provide scrutinised and validated information on land deals, estimates that close to 1.5 million hectares of land have been acquired by a range of investors in Ghana within the last decade (Land Matrix, 2015).

The Ghanaian government is seeking to attract private sector investment in the agricultural sector, including through large-scale land-based ventures. With the support of development partners, the Ghana Commercial Agriculture Project (GCAP) in particular aims to stimulate agricultural investment.<sup>3</sup> Under Ghana's tenurial arrangements, the traditional authorities have a major role to play in identifying land for investment and negotiating deals, and by virtue of custom they are in a position to benefit from deals. The exclusion of customary usufructs from decisions around the allocation of land to outside investment by the higher levels of traditional authorities has been widely documented (GCAP, 2014; Marfo *et al.*, 2012; German *et al.*, 2011). Ghana's investment terrain has also been characterised by local fronting and facilitation where Ghanaian nationals assist in facilitating land access on behalf of foreign investors in order to secure long-term access (foreign nationals are limited to 50-year leases).

Such investments could contribute much needed infrastructure development and jobs, while also facilitating knowledge and technology transfer (Deininger, 2011; Bugri, 2012a). But such acquisitions often present procedural and implementation challenges for all parties concerned and specific risks to local populations (King and Bugri, 2013). Challenges for local land users across Ghana resulting from farmland deals have been widely reported (German *et al.*, 2011; Schoneveld *et al.*, 2011). In addition, large land acquisitions risk reducing the available supply of land for rural land users.

Ahanta West District has been host to several large land acquisitions for agriculture, and more recently for real estate development and small-scale mining. Examples include: cumulative acquisition of approximately 40,000 hectares by one company for rubber plantations since 1957; an acquisition of 4,500 hectares in 1998 by a private investor for a nucleus farm for an oil palm plantation; and an acquisition by an investor of 600 acres for the Oil City development and 2,000 acres by another investor for the Petronia City development. The latter example displaced 230 farmers and, in this instance, the farmers received compensation for their loss of crops but not the land they were farming.

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3 This initiative sought to establish a 'land bank' with the expectation that landholders would pledge available land to facilitate access for investors, although GCAP officials suggest not as much land as anticipated has been pledged.

Savelugu Nanton communities are also facing large land deals. For example in June 2014, a foreign investor acquired 30,000 acres in Savelugu for a sugar cane plantation. Whilst this acquisition has stalled, the announcement itself pushed affected farmers to seek new land for farming and traditional leaders to halt the releasing of the lands to family members in anticipation of the acquisition. Savelugu-Nanton is one of GCAPs priority areas (SADA, 2015) and is therefore likely to see further interest from commercial agricultural investors in the coming years.

### 3.6 Small-scale mining and sand winning

Ghana is a resource-rich country where minerals such as gold, diamonds and bauxite are extracted through deep shaft, shallow and artisanal mining techniques. The latter has had, and continues to have, devastating environmental implications, and several of these smaller-scale mining activities are illegal. Artisanal mining causes extensive damage to arable lands. Locally known as *galamsey*, small-scale miners excavate large areas they believe contain mineral deposits. Their equipment can range from simple hand-held tools to more sophisticated bulldozers and excavators.

Figure 4: Farmland in Apemanim, Ahanta West District destroyed by illegal small-scale mining



Source: Authors' own photograph (2015)

The state holds the rights over all minerals in Ghana. Although both legal and illegal mining wreak havoc on the environment and reduce the supply of available farmlands, with legal mining the Minerals Commission (to which applications for mining rights must be submitted) and its allied agencies should at least ensure minimum standards and legal compliance. In these cases, efforts are put in place to ensure the restoration of land in the long term through land reclamation and afforestation (Tetteh *et al.*, 2015).

However, although mineral ownership is vested in the state, the lands where these resources are found mostly belong to traditional landholding institutions (except when on state or vested lands). This has created a situation where the state controls the minerals but not the land, or where traditional authorities own and control the land but have no rights over the minerals embedded in the land. Once permission is granted by the Minerals Commission, the prospective miner has to negotiate access to the land with the appropriate traditional authority. Mining without negotiating land access and paying appropriate compensation to the traditional authorities and affected individuals is illegal under both customary and statutory law and tends to result in disputes between miners and local communities (see the case of *Amissah Anthony and 97 others vs Goldfields Ghana Ltd.* suit no. CS. 47/97).

Illegal mining is rampant in Ahanta West (Ghana News Agency, 2012; 2013). Chiefs and other custodians of customary land are granting land for mining without referring these cases to the appropriate state agencies, resulting in more cases of indiscriminate leasing of farmlands of community members. In Ahanta West, the practice of chiefs granting land for mining without due process is on the rise and this mirrors the situation across the country (Government of Ghana, 2012; Coastal Resources Center, 2013). The cumulative effect is a reduction in the supply of arable lands and the pollution of water bodies. The traditional authorities who grant out land for illegal mining have also been vocal about the devastating effects of mining activities (Osam, 2014), prompting stakeholders to demand clarity from their chiefs on where they stand (GhanaWeb, 2013). The surge in demand for gold and other minerals is resulting in increased transactions as chiefs grant more leases to illegal mining entities.

In the case study communities Agona Nkwanta and Apemanim in Ahanta West, several farms and farmlands have been destroyed by resource extraction. A recent vulnerability assessment by a local non-governmental organisation (NGO) concluded that 'illegal gold mining, sand winning, stone extraction and degradation of wetlands are the emerging environmental threats in the Ahanta West District (Friends of the Nation, 2012), with 22 out of 39 communities reportedly adversely affected (*ibid*). These mining activities and the associated chemical use (eg cyanide) are destroying farmlands, polluting water bodies, and threatening aquatic life. Rivers, streams and other water bodies are the main sources of domestic water and irrigation, so these have considerable, far-reaching implications for

the livelihoods and basic survival of poor people in Ahanta West, with communities such as Apemanim and Egyam being worst affected.

Sand winning or extraction is also putting pressure on land in Ahanta West. The rapid rate of urban and peri-urban property development has created considerable demand for sand, stones, and other building materials. Both sand winning and gravel extraction are prevalent in and around communities in the Savelugu-Nanton area and their combined effect is degrading vast farmlands.

### 3.7 Oil discovery, oil drilling and the local fishing industry

Oil exploration has had major impacts on fishing communities in Ahanta West where many people rely on both fishing and farming for their livelihoods. Negative impacts on fishing livelihoods increase the need for better access to secure and fertile land. Restrictions of fishing rights, where previously there were few, and the impacts of local livelihoods have received international media attention (Modern Ghana, 2008; Anderson and McTernan, 2014). Bigger fishing vessels have not been compliant with restrictions designed to protect an area designated for local fisherfolk and so those with manually powered canoes are also competing with more sophisticated vessels. Equipment, such as nets, is easily destroyed by such vessels. Furthermore, increased presence of *Sargassum*, the most common seaweed in the study areas, is seemingly being linked to both climate change and oil explorations (the latter from gas flaring), both of which could be contributing to rising sea surface temperatures (Harley *et al.*, 2012; Ackah-Baidoo, 2013; Breeman, 1988; Jueterbock *et al.*, 2013; Lüning, 1990). The seaweed makes fishing challenging, clogging up the nets of local fisherfolks or the engines of those with outboard motors.

“Before all these issues (restricted fishing areas, competition with bigger vessels and the proliferation of seaweed) came about, fishing was very lucrative here. On a good day, we could get between eight and ten baskets.... Now, you’re happy if you get two to three baskets. When fishing was very profitable about five to ten years ago, I had two children. I now have five kids and I have to take them to school, but where is the money?”

Interview with fisherman in Punpune, 27 January 2015.

# 4

## Changing land issues and implications for rural land users: evidence from two case studies

The above pressures are driving changes in land access and use. This chapter describes the changes being observed in the case study areas in relation to land and common resources access, plot sizes, fragmentation of land, crop choices and food security. It documents the implications of these changes facing rural land users, particularly secondary rights holders (women, youth, and pastoralists). These changes may be shaped by any or all of the drivers described in Chapter 2.

### 4.1 Land access dynamics

Across Ghana, citizens have historically accessed land through varying customary arrangements, largely dictated by their social standing within the land-owning community. For example, a customary usufruct, who is a member of the land owning group, has an inherent right to acquire and cultivate part of the jointly owned land, provided it is previously uncultivated. Non-members of the community can obtain access by purchase, rental, gift, license or share contract arrangements.

A general rise in land values in rural and peri-urban areas in both the case study areas show that land markets are evolving in response to growing demand for land (Tables 1 and 2). Increases in land values from 2008 in West Ahanta reflect the discovery of oil in the Sekondi-Takoradi areas.

Table 1: Land values in the case study areas near Tamale and Takoradi

Year	Savelugu-Nanton		Apowa, Egyam and Punpuni	
	GH¢ <sup>4</sup>	US\$	GH	US\$
<b>Average price per acre in rural areas</b>				
2000–2003	100	25	200	50
2004–2007	200	50	700	175
2008–2011	1,000	250	10,00	250
2012–present	2,000	500	15,000	3,750
<b>Average price per acre in peri-urban areas</b>				
2000–2003	1,000	250	1,500	375
2004–2007	1,500	375	4,000	1,000
2008–2011	5,000	1,250	30,000	7,500
2012–present	8,000	2,000	25,000	6,250

Source: Field survey (2015)

Transactions in local land markets largely take place outside the formal institutions and regulations; many are not documented at all (Yaro *et al.*, 2016). As Shipton (1989: 58) notes, ‘terms like ‘market’ can become cognitive straightjackets’ for analysts of land transfers in parts of rural Africa, given the ‘variety, the flexibility and investiveness’ of modes of transfer (*ibid*). It is important to recognise that the lines between market and non-market transactions are often blurred, for example with monetarised modes of access remaining embedded in non-monetarised relations (Chauveau and Colin, 2010). In the study areas, informal ‘markets’ and platforms for exchanging land rights for financial and other considerations continue to evolve in urban and peri-urban areas to facilitate alternative means of land access. This challenges earlier claims that customary tenure practices across Africa are incompatible with land markets (De Soto, 2000; World Bank, 2006b).

4 The cedi has been very unstable in recent times, fluctuating between US\$1:GH¢12 in 2000, US\$1:GH¢2.2 in 2008 and US\$1:GH¢4.00 in 2017.



In the Ahanta West study sites, 69 per cent of respondents acquired their land before 2005 and 29 per cent thereafter. In the Savelugu-Nanton sites, the figures were more even (46 per cent before 2005 and 54 per cent thereafter). How land has been acquired in these different timeframes shows a very stark shift (Figures 5 and 6).

Figure 5: How respondents acquired their land (Savelugu-Nanton)

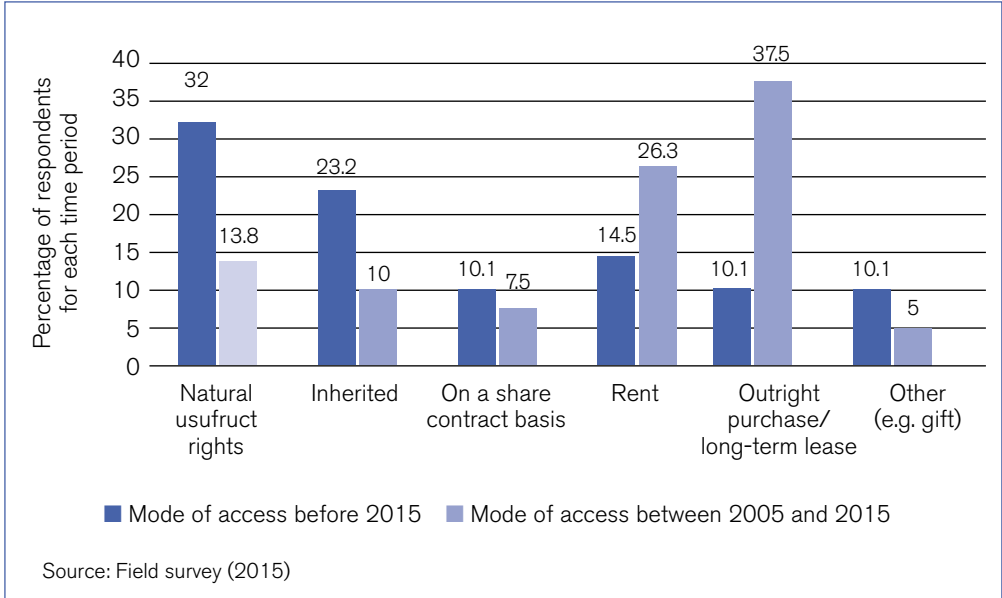
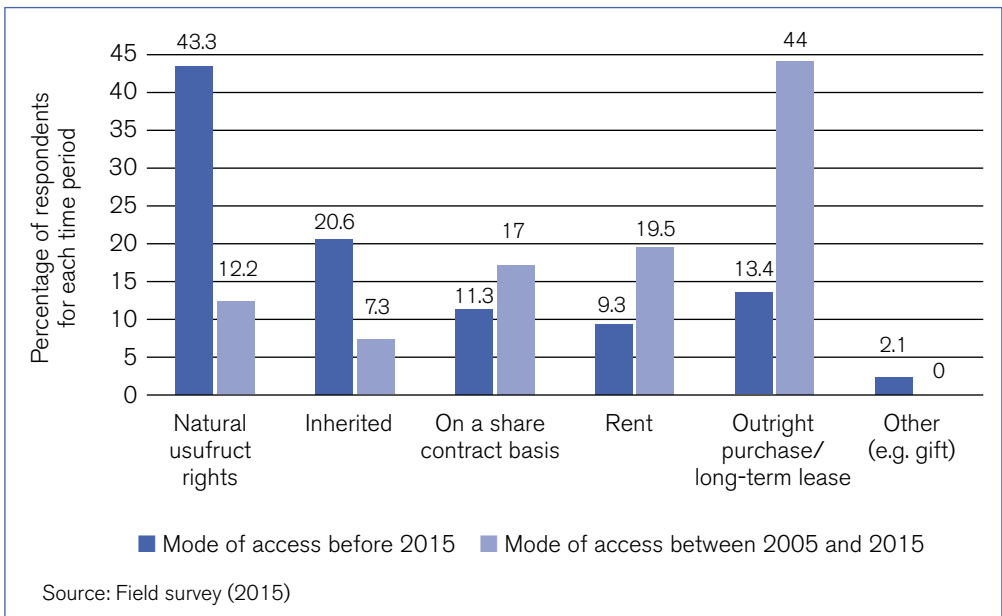


Figure 6: How respondents acquired their land (Ahanta West)



If we consider renting, outright purchase, and long-term leases as 'market' pathways for land access, and inheritance and usufruct rights as 'non market' pathways, a clear transition is visible from the latter to the former. Before 2005, 55.2 per cent of those who acquired land in this period did so through non-market means (usufruct and inheritance), compared to 23.8 per cent of those who acquired land since 2005. In the post-2005 period, those acquiring land through market mechanisms (rent and outright purchase or long-term lease) account for 63.8 of all acquisitions, compared to 24.6 per cent of land acquisitions prior to 2005. Data from Ahanta West shows an equally stark transition, with 60.9 per cent of those acquiring land prior to 2005 doing so through non-market, customary mechanisms, compared to 22.7 acquiring land through rent or purchase. In the post-2005 period, just 19.5 per cent acquired land through usufruct and inheritance compared to 63.5 per cent of acquisitions conducted through market means.

Land access is thus shifting from non-market means to dominantly market-defined pathways. Furthermore, of the 30 respondents who acquired land through purchase or long-term lease in Savelugu-Nanton sites since 2005, 17 (57 per cent) described themselves as being members of the landowning community. In the Ahanta West area, 14 out of the 18 respondents (78 per cent) who either purchased or had long term leases also noted that they were indigenes. Traditionally, these respondents would have had usufruct rights and would access land by virtue of their position as community members. Usufruct rights appear to be being eroded.<sup>5</sup> The monetisation of land access and increasing prevalence of market transactions including amongst indigenes suggest community members are being squeezed under current land pressures.

Customary leaders' conversion of usufruct rights and subsequent selling or granting of long-term leases on land are becoming increasingly common features in traditional land administration. The practice is particularly rife in peri-urban communities such as Apowa and Savelugu, where farmlands are frequently being converted for real estate development. This is also happening without the knowledge of involvement of local land users. One Apowa respondent reported:

"About two years ago, I went to my farm only to meet two people with documents to the effect that they have acquired my farmland for building. They gave me one month to harvest my crops... Nobody gave me any compensation."

Interview with male farmer in Apowa, 29 January 2015.

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5 Customary land tenure principles recognise usufruct rights as rights that exist into perpetuity as long as there are legal successors, the land is not abandoned, and the usufruct pays symbolic annual tokens to the allodial title holder in recognition of their superior position (Da Rocha and Lodoh, 1995).

This situation has been described as a 'curtailment of communal property rights, through a form of feudalisation of land relations' (Yeboah and Kakraba-Ampeh, 2016: 7, citing Wily and Hammond, 2001). Chiefs are reinventing themselves as 'feudal lords' with subjects – the joint owners of the customary land, and tenants – the outsiders who have paid to acquire land. This contemporary development contrasts with the intent of customary tenure, which sought to offer equality and social security.<sup>6</sup>

In peri-urban areas, the ability to pay, rather than membership of a community, increasingly determines who accesses converted land, as one respondent from Egyam, Savelugu noted:

"They are now selling our own land as building plots to us... and since some of us do not have the money to buy, we cannot build... Our younger children are sharing our bedroom and the older ones have left for the cities."

Interview with woman vegetable farmer in Egyam, 28 January 2015.

Affected usufructs are struggling to demand downward social accountability due to power imbalances and a lack of information. This raises genuine concerns about the extent to which customary tenure systems are able to provide the necessary safeguards for tenure security in current contexts. Customary Land Secretariats (CLS) were established in 2014 to instil some transparency into customary land administration and curtail the practices described. But the CLS in Savelugu has not succeeded in curbing this trend. Community members here have lost their farmland, livelihoods and land for housing.

## 4.2 Land fragmentation, farm size and distance to farms

An interesting shift taking place in relation to customary tenure arrangements relates to a fragmentation in land holdings. Lands in Ahanta West are stool lands, but landholding families are increasingly contesting the stools for the allodial title. This is being done through statutory declarations of land title – a legal approach provided for in the 1971 Statutory Declarations Act. This act provides for an individual or entity with an interest in land to petition the Court, Lands Commission and other state institutions to proclaim them as the absolute owner of that land.

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6 According to customary rights, no (wo)man is 'big' or 'small' in their own village or town, when it comes to land (Kasanga, 1996). According to traditional rules, there should be no distinction between the lowest member of a corporate tenure group and the most powerful chief when it comes to land access rights (Asante, 1975).

From the mid-1990s to date, there have been several statutory declarations in the Busua Paramount Traditional Area, particularly Apowa. According to the Lands Commission, at least seven families have succeeded in claiming part of the land that was previously vested in the Busua stool and are now considered absolute owners. This reflects a desire for more individualised forms of landholdings along family lines, rather than collectively-held lands managed by the representatives of the stool. It reflects and possibly further enflames underlying tensions between customary institutions, such as stools and family groups, to control land and land-related resources in the face of population growth and rising land values.

Statutory declarations are obtained by the petitioner publishing their intention to become an absolute owner of a plot of land in local and national newspapers. This is a questionable approach to reaching a largely illiterate rural population, and some informants were concerned that it provides too much room for elites to benefit.

Other forms of fragmentation happen through inheritance practices. In Ghana, inheritance can be matrilineal or patrilineal, and children have varying degrees of rights to share land and other assets. When several children have equal rights to inherit their parent's land, it can lead to rapid land fragmentation:

"I inherited 15 acres of land from my father 13 years ago. All my siblings had their own share of the land. Now my children have grown and they need their own farm for survival. They cannot go to my siblings' land, so I have to give them a portion of my own land. So now, my farm has become smaller.... and my children cannot inherit a farmland as big as I inherited."

Interview with male farmer, Punpune, 27 January 2015.

The youth face particular livelihood challenges as a result of fragmentation and declining land scarcity (Box 1).

Farm sizes in Ghana usually range between two and three hectares; or four to five hectares on the savannah belt, where population density is relatively low (MoFA, 2011; Nin-Pratt and McBride, 2014). There are perceptions in both case study areas that farm plots are shrinking (48.7 per cent of respondents in Savelugu-Nanton and 80.7 per cent of respondents in Ahanta West believe this to be the case) (Figure 7).

### Box 1: Changing land access and implications for youth

Mirroring the characteristic across the African continent, Ghana's population is predominantly young, with 40 per cent of its population falling into the youth category (GSS, 2013).<sup>7</sup> Its population structure is often described as a 'youth bulge'. There has been a recent focus on youth as future leaders and key current actors. But youth access to economic opportunities and resources is difficult; an estimated 30 per cent of youth are officially classified as unemployed (Baffour-Awuah, 2014).

Youth in the case study sites are facing enormous difficulties in accessing land for farming and building. When lands in Apowa, Egyam and Punpune were compulsorily acquired ten years ago, many of today's youth were still children, and as minors, they had no land. The youth can pay the prevailing high price to access land or work on a shared tenancy basis, and the land for both options may be several kilometres away. Both are disincentives.

Fishing is an alternative employment option for the youth in Ahanta West, but, as discussed elsewhere, the local fishing industry is facing its own challenges. And with communities rationing individual fishing rates as part of their efforts to ensure that everyone can have a reasonable harvest, the industry is not in a position to absorb the growing youth population.

The natural response to growing land scarcity in all the case study sites has been migration for jobs and decent accommodation. Many youth have migrated to towns and cities in the south, searching for non-existent jobs and ending up trapped in menial portage jobs,<sup>8</sup> known as *kayeye*.

"My son had to drop out of senior high school when we found out rather late that we cannot afford the cost of secondary education with what we earn from selling cassava and vegetables. Now, he is at home without a skill and without land. His only option will be to try his luck in the urban centre."

Interview with male farmer in Apowa, 27 January 2015.

The rubber and oil palm industries are also popular employment destinations for youth. Most become farm hands and labourers, both low paid jobs. The current daily rate for farm hands of GH¢4 (less than US\$1) falls below the national minimum wage of GH¢7. This does not provide an adequate income and traps youth in low-paying jobs with little opportunity for social mobility.

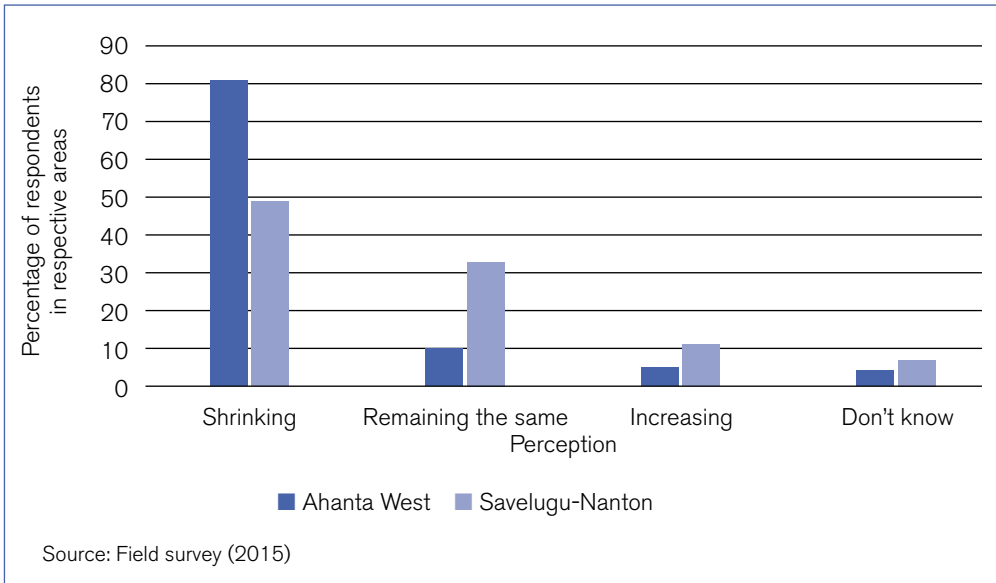
Small-scale mining is also largely undertaken by the youth, although there are reported cases of children and elderly people being involved. Land scarcity has led the rural youth across both Ahanta West and Savelugu Nanton to turn to illegal small-scale mining, sand winning and gravel extraction. This has created a cycle where existing land scarcity increases land degradation, which makes land scarcer still.

Unless there is a pragmatic intervention to address this situation across both study areas, the next generation will be left with no land and no employable skills, a situation which will trap them in a perpetual vicious cycle of poverty.

<sup>7</sup> This report uses the Ghana Youth Authority's age bracket of 15–35.

<sup>8</sup> Carrying loads, usually on one's head.

Figure 7: Perceptions of changing farm plot sizes



The view held by 54 per cent of respondents from Ahanta West District and 38 per cent from the Savelugu-Nanton area was that, under normal circumstances, they were ‘very unlikely’ to acquire a larger farm plot size now compared to ten or more years ago. A farmer from Punpune said that acquiring a large farm plot is only likely “if you have so much money and you know the chief and the other ‘big men’; then you can get the land you want.” This is not the case for many rural land users.

Existing data (from MOFA and farmer-based organisations) confirm that plot sizes are indeed shrinking (Figures 8 and 9) and illustrate this contrast between the two regions. Pressures on land and associated implications for plot sizes appear more pronounced in the Ahanta West area. Population densities in the Western Region are higher than in the Northern Region,<sup>9</sup> and as discussed above, the former is witnessing an oil-induced demand for land.

There is a clear gender dimension to farm sizes (Figures 10 and 11). An overwhelming number of respondents – 77 per cent in the south and 86 per cent in the north – stated that women are likely to have smaller farmlands than their male counterparts. Women are more likely to produce food crops to feed their family, selling any surplus for income. Men tend to grow perennial cash crops. This creates disparity in income, with men bringing

9 The Western Region in the south of Ghana has an estimated population of 2.1 million, an area of 23,921km<sup>2</sup> and a regional population density of 88 persons per km<sup>2</sup>. The Northern Region has an estimated population of 2 million, a total area of 70,383km<sup>2</sup>, and an average regional population density of 28 persons per km<sup>2</sup>.

Figure 8: Changing average farm plot size in Ahanta West case study sites

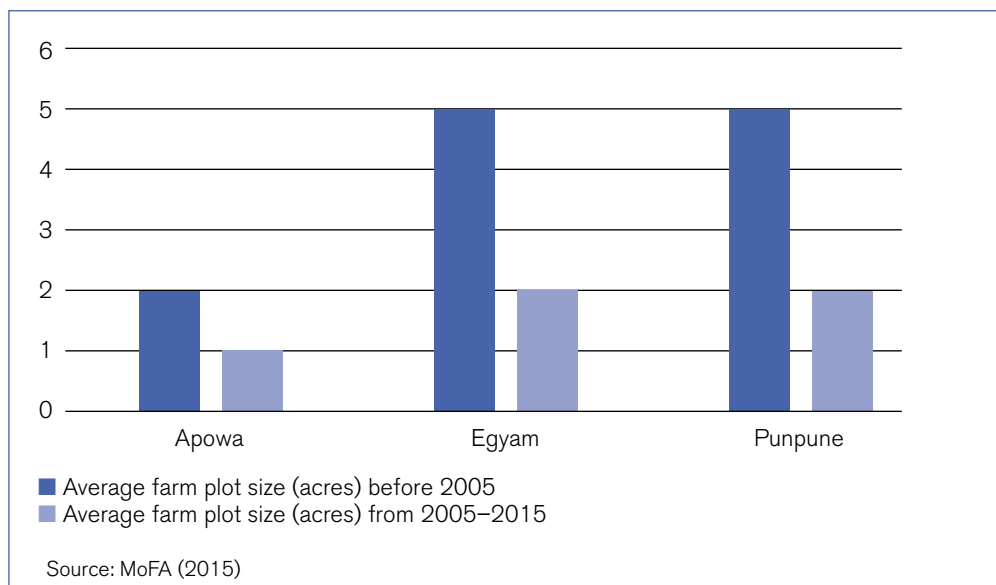
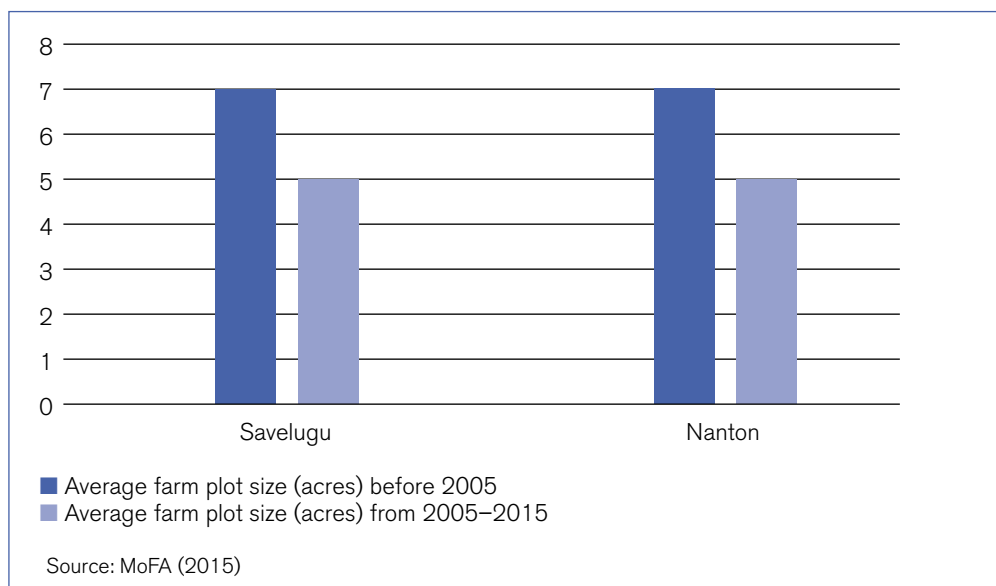


Figure 9: Changing average farm plot sizes in Savelugu-Nanton case study sites



in more cash income. And with land access increasingly monetised, women may struggle more to acquire land through the market. Despite some gains towards greater gender parity in the area of land ownership, the entrenched patriarchal system is more likely to favour male members of the community who are in a stronger position to accumulate more land.

Figure 10: Perceived differences in farm plot size owned by men and women in Ahanta West

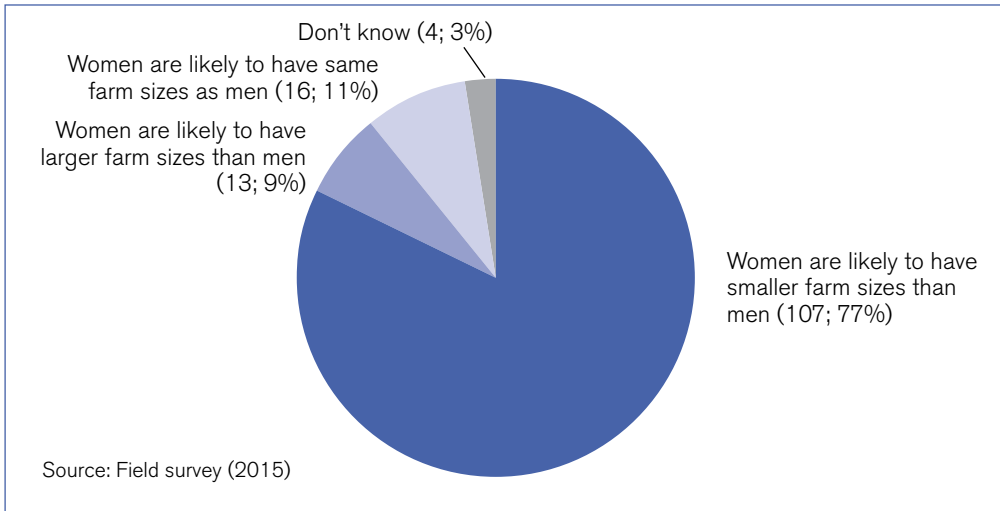
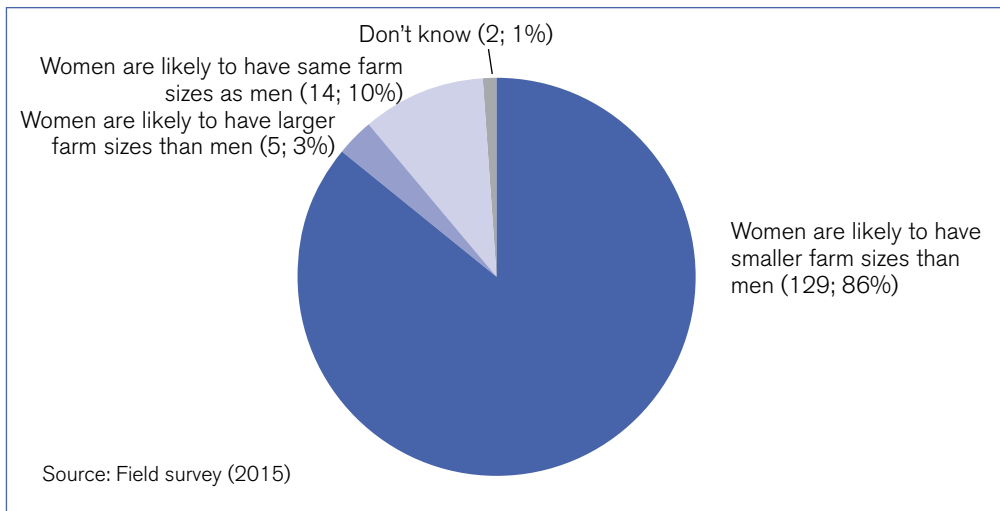


Figure 11: Perceived differences in farm plot size owned by men and women in Savelugu-Nanton



Land scarcity, shrinking plot sizes and fragmentation all have implications for productivity as cultivation intensifies and soil fertility suffers. Traditionally, farmers in Ghana have used land and crop rotation for maintaining soil fertility, reducing the need for inputs. In a context of land fragmentation and shrinking plot sizes, the opportunities for letting land lie fallow are reduced and soil fertility and productivity are reportedly declining. Out of the total of 150 respondents from the Savelugu-Nanton area, 119 (79 per cent) indicated that agricultural productivity is dwindling. A similar proportion of respondents (89 out of 140, or 64 per cent) in the Ahanta West area is also facing lower productivity. This was corroborated by other key informants, including the Ahanta West District MoFA officer:



"When you look at the yield per acre gradient, you can see a consistent pattern for each of the staple crops. There is a reduction of about 2–5 per cent annually; this accumulated over the years and was becoming a threat to local food security.... MoFA responded by developing and distributing high-yielding varieties of these staples and this helped to improve yield per acre.... However, even with the improved varieties, yield per acre is again reducing and the reason is simple – the land is being over-stretched."

Interview with Ahanta West District MoFA officer, 29 January 2015.

A common strategy to adapt to pressures on land and declining plot size and soil fertility is to acquire additional lands where possible. In both study sites, land users are resorting to farming multiple plots in response to smaller plot sizes. This was confirmed by key stakeholders, including the MoFA official from Ahanta West who reported fragmentation was indeed taking place.

Multiple smaller farms increase the need for more labour and greater inputs but also greater distances to travel, adding transportation costs or increasing the time required to cultivate all plots. Those who struggle to commute to newly acquired farms face further costs associated with relocation. In the case study areas, distances to farms are reportedly increasing; 70 per cent of respondents in Ahanta West and 77 per cent in Savelugu-Nanton reported that they lived further from their farms than they did over ten years ago.

### 4.3 Changing crop choices

The case study areas in Ahanta West fall within the coastal/forest belt ecological zone, which supports a wide range of tree crops such as coconuts, rubber and oil palm, and food crops such as cassava, plantain and maize. Coconut and oil palm are popular crops because both bear fruit throughout the year, giving farmers some degree of assurance that they will earn income all year. Around 2000, a severe outbreak of a disease that attacks coconut trees led to a switch amongst most farmers from coconut to oil palm cultivation. Oil palm, which thrives in the saline soil conditions typical of coastal areas, became the main economic activity in Punpune, Egyam and to a large extent, Apowa. When oil was discovered in the mid-2000s, the compulsory acquisition of 1,200 acres of land for an oil refinery affected 1,000 acres of maturing oil palm farms.

Once the state expresses its intention to acquire land, owners or users must cease all efforts to develop or improve the land because they will not be considered for compensation.<sup>10</sup> So the declaration of intent to compulsorily acquire the land left farmers in limbo, no longer able to maintain the farms they had established that had reached a

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<sup>10</sup> Under the Administration of Lands Acts and State Lands Act laws (1962).

critical stage of maturation. To have their established oil palm farms frozen at the point when their crops were maturing and about to bear fruits compounded an already dire situation. Assessments of crops and buildings were made for compensation purposes but affected communities are yet to see any compensation. Afraid of having their investments destroyed and uncompensated for, farmers switched to cultivating seasonal crops such as maize and vegetables and annual crops, mainly cassava. Compared to oil palm, income from these short-term crops is lower and more volatile.

“Income from oil palm was something concrete that you could plan your life with....

The money we are now getting from cassava and vegetables are only meant to feed the family.....but even for that, it is not enough.”

Farmer from Egyam, FGD, 28 January 2015.

There is an emerging trend in communities neighbouring the study sites in Ahanta West of farmers switching away from food and other cash crops to establish rubber farms, with rubber being christened locally as ‘white gold’. Fetching a higher price than other crops, better access to loans through direct bank payments from latex companies, climate resilience and ease of maintenance once established all make rubber an extremely attractive crop.

There was broad consensus among informants engaged in the switch that changing from food crops to rubber production is a welcome development because the high and regular incomes rubber provides can be a catalyst to improve living conditions for local farmers. The rapid rate at which farmers have switched has raised concerns for food security and nutrition, although informants also widely believed that rubber farmers can now buy food with some of their revenue from rubber.

“We have the competitive advantage to produce rubber, so it is rational that we maximise [the production of rubber]....food distribution is a matter of demand and supply. If you have the money, you can buy food from anywhere.”

Interview with district chief executive, 30 January 2015.

In response to land constraints, outgrower schemes are an alternative for rubber companies. Whilst not land acquisitions, these schemes still affect land access. To qualify as a self-financing outgrower for one company most farmers are likely to undertake some form of land aggregation to meet the minimum threshold (23 acres), either through market or non-market mechanisms. This study suggests that prospective outgrowers are more likely to be acquiring the land they need for this scheme through the local land market. Such developments may therefore be speeding up the evolution of local land markets.

The Northern Region has long been recognised as the ‘breadbasket’ of Ghana, being the country’s major producer of food crops. Economically important trees such as shea and dawadawa grow wild in the area and common crops cultivated include millet, maize, yam

and sorghum. But changes can be witnessed here too. Millet thrives in even poorer soil conditions than maize. With soil fertility falling, maize farmers have to use fertiliser – a considerable source of financial stress – to sustain their yields. So they are switching to millet and groundnut cultivation which require less fertiliser. Millet and maize are both cereals, so in terms of food and nutrition, this change may not have considerable effect, but maize commands a higher market value than millet (millet is only consumed in the north).<sup>11</sup> So switching from maize to millet could considerably reduce farmers' earnings.

Women in both case study areas tend to cultivate cassava and maize. More recently, they have started growing short-term crops that can be harvested for market within three months of planting, such as tomatoes, okra, eggplant and leafy vegetables like *ayoyo* (*chorchorus*). Such changes are expected to complement household food supplies while earning extra income. In reality women earn very little from their vegetable crops and there are several reasons for this. Vegetables should be grown in lands near water bodies so farmers can irrigate their crops when rainfall is erratic. Competition for such lands is therefore high and those who have access to them have farmed them intensively, reducing soil fertility. The government recently removed subsidies for fertiliser and other agro-chemicals, and prices have risen beyond the reach of poor farmers.

Vegetables are quickly perishable and, unlike oil palm, do not have a guaranteed market. With several women cultivating the same vegetables, supply often exceeds demand, driving prices down. In some cases, farmers have abandoned their harvested vegetables due to a lack of available buyers:

“Not long ago, I took about 25 cedis worth of *ayoyo* to Takoradi, because people did not come over to buy as I had expected. When I went to Takoradi, there was so much *ayoyo* on the market that day. So I only managed to sell 5 cedis out of the whole lot... I decided to throw away the remaining stock I had since I do not have a means of storing it. I also did not have an immediate use for it. But to my surprise, I realised that I had to pay before I could dump. So after paying for transportation and the cost of dumping, I was left with nothing.”

Interview with woman farmer in Egyam, 28 January 2015.

In the north of Ghana, gathering and processing shea nuts is a major economic activity for women. Shea trees grow in the wild and are largely a common property resource for members of the community. But access to shea trees is under threat in the Savelugu-Nanton area and across the Northern Regions in general. Recent dynamics from large-scale investors are exerting further pressure. One company that acquired 40,000 acres of land for a *jatropha* plantation swiftly cleared high numbers of shea trees and restricted access to those that were remaining.

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11 A 50kg bag of maize sells for GH¢200 (US\$52), compared to GH¢150 (US\$39) for the same quantity of millet.

In Ahanta West, women who combine fishmongering with farming because their male relatives are fishermen have been affected by the decline in fishing over the years. Women could also take up trading for a livelihood, but there are practical challenges. Access to capital is a hindrance, as families barely earn enough to sustain themselves let alone save money. To access loans from banks, women would need to provide collateral, which is out of reach for many. And while microfinance organisations may advance loans to some women without a proven record of managing businesses, they charge extremely high interest (up to 60 per cent a year) to compensate for the associated risk. All these challenges severely inhibit women seeking an alternative to peasant vegetable farming.

Switching from oil palm to food and vegetable crops has undoubtedly reduced women's income and, by extension, household earnings, affecting the welfare of the entire family. The implications for education and children's health are particularly worrying.

The shift to rubber cultivation at the expense of food crops carries high risks for food insecurity. This emerging trend could be a setback, particularly for women in male-headed households, where men have access to, and control of, the money, but women are responsible for providing the family's food.

Few women can access the support, skills and financial resources required for livelihood diversification in response to the diverse threats to their resource access and means of income generation. Of the 117 women who responded to the household survey across the two areas, only 18 per cent had employable skills such as dressmaking, hairdressing and *gari* making.<sup>12</sup>

## 4.4 Access to common resources

Common resources are collectively owned by the membership of a defined social group. Non-members of the community can access such resources once they have negotiated this right. Common resources can include pasture or grazing lands, fishing rights, water bodies and forest. In Ahanta West, this includes fishing rights and forest reserves; in Savelugu-Nanton, it includes grazing lands and water bodies.

In Punpune in Ahanta West, fishing and farming are the main sources of livelihoods, but multiple pressures are curtailing fishing activities. As discussed above, local fisherfolk have been limited to fishing within ten nautical miles of the shore and are competing with large fishing vessels in this smaller area. An increase in seaweed is also exerting considerable difficulties and fisherfolks' catch has fallen consistently since the start of oil drilling. The community is renegotiating the fishing rights they previously held in common ownership. They are building consensus to redefine access to this common resource in a way that will ensure equitable benefit among the members of the community. They

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<sup>12</sup> *Gari* is granulated cassava flour that is widely consumed across the country.

realised that, when all community members fish together, harvests per fishing trip were very low. So now the fisherfolk take it in turns. This attempt to self-regulate their fishing activities aims to ensure that everyone can have a reasonable harvest.

In Savelugu-Nanton, increasing pressures on commonly-owned resources such as grazing land is redefining who is a 'community member' or 'citizen of the land'. In the distant past, migrants who stayed in a community for three years or more and exhibited good neighbourly conduct were regarded as community members. This situation was reinforced through inter-marriage. Fulani pastoralists are migrants from neighbouring countries in the Sahel region. Their presence in communities has always been of mutual benefit – they offered better animal husbandry skills in return for the right to access graze lands. But increasing pressure on land has weakened this relationship. Indigenous people are now preventing pastoralists from accessing pasture and water, on the grounds that they are not community members. Some of these pastoralists have been returning to these communities for years – even generations. This new distinction between 'community members' and 'strangers' has affected social cohesion. There have been violent clashes between pastoralists and local communities (see Tonah, 2005) for some time. Such clashes are now occurring more frequently (See Box 2 below).

In the Northern Region, and in the Savelugu Nanton area in particular, access to shea nuts and dawadawa are common resource rights. Women are the primary collectors and main beneficiaries of these fruits. Large-scale land acquisition and investments are preventing and restricting access to these common resources, causing hardship in the broader community and leading to violence in some cases. With increasing competition over these resources, community members are developing coping mechanisms and adaptation strategies, such as rationing how frequently individuals can access these common resources.

## 4.5 Land disputes and tenure security considerations

Increasing tension and conflict due to competition over land and resources is being observed in both the case study areas. This includes disputes between paramountcies and families, between landholding families, and between settled farmers and pastoralists.

Statutory declarations (discussed above) are both a cause and a symptom of land-related contestations between families and stools (represented by chiefs, family head or a recognised traditional authority) and many inter-family contestations are being played out in court. Boundary disputes are the principal cause of inter-family and inter-community land contestations in the Egyam, Punpune and Apowa areas. The traditional methods and items for marking boundaries are increasingly ineffective and some – such as shrubs – lack permanence.

In both case study areas, respondents indicated overwhelmingly that the increasing competition for land makes them feel their land ownership or use rights are less secure today than they were more than ten years ago.

Out of the 290 respondents, 129 (44.5 per cent) had directly experienced land disputes (Figures 14 and 15). In Ahanta West, boundary disputes account for the majority of challenges to tenure (46 per cent), whereas herder-farmer conflict features highly in Savelugu-Nanton (43 per cent), whilst boundary disputes are also widely experienced (31 per cent).

Figure 12: Perception of tenure security, Ahana West

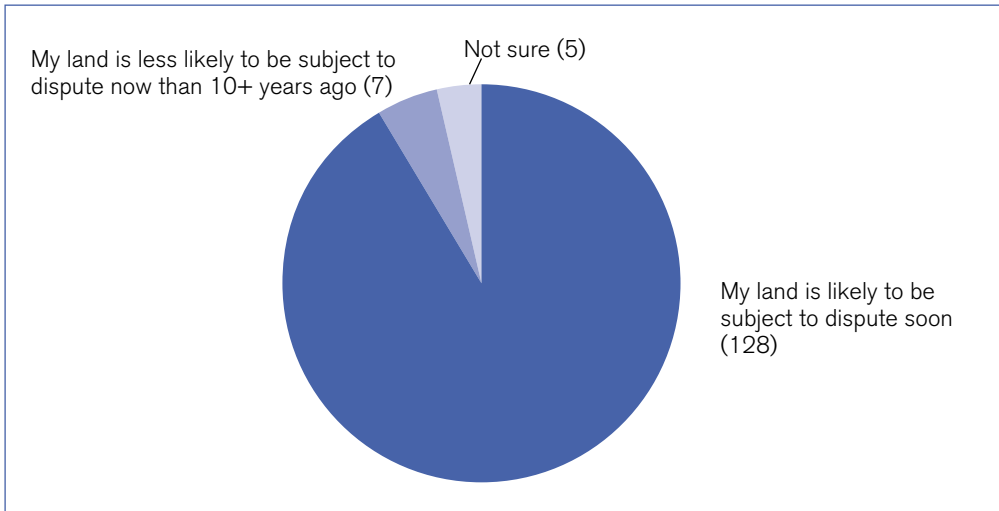


Figure 13: Perception of tenure security, Savelugu-Nanton

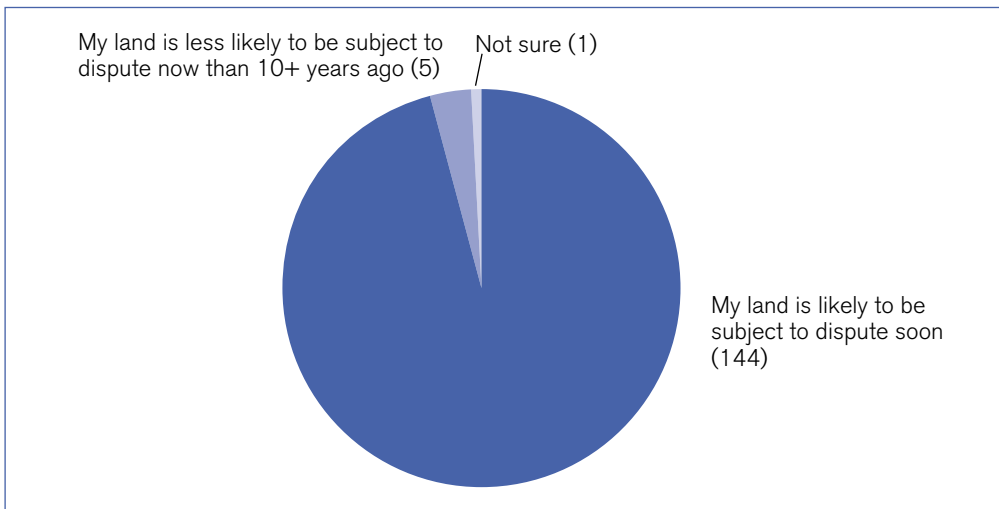


Figure 14: Sources of land disputes in Ahanta West

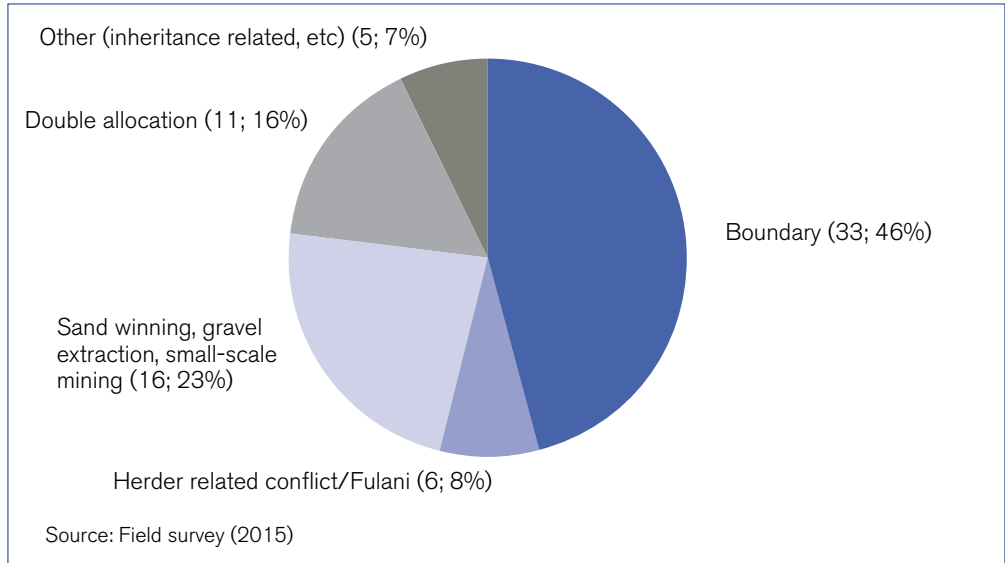
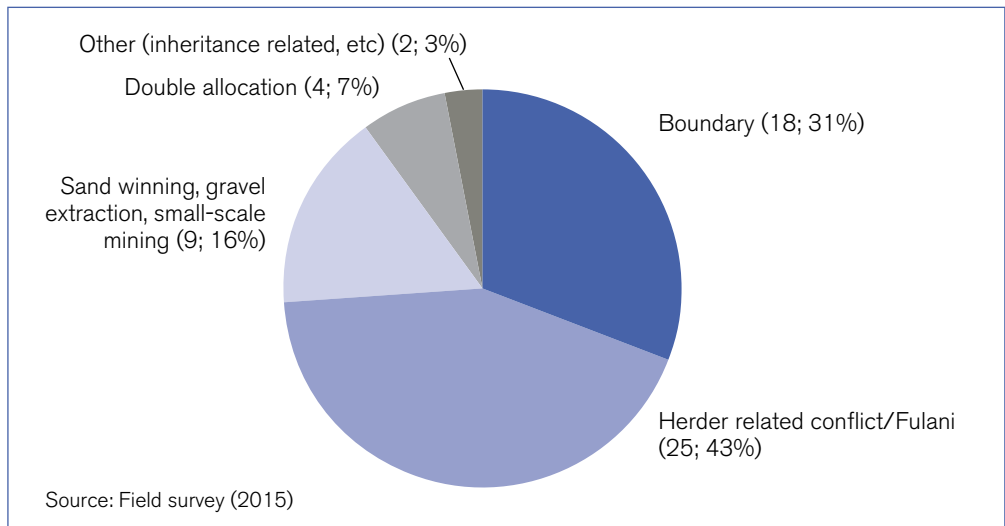


Figure 15: Sources of land disputes in Savelugu-Nation



Importantly, 90 per cent of all survey respondents have no form of documentation for their land. The 30 who had some documentation held largely makeshift papers with uncertain legal status (Table 2). Two written agreements from Egyam viewed by the research team contained vague descriptions of the location of the land and no accompanying plan.<sup>13</sup>

<sup>13</sup> Section 15 (1) of the 1986 Land Title Registration Law states that, to be legally valid, a registration must include 'a plan of the land which has been approved and duly signed by the Director of Surveys or an authorised officer of the Survey Department'.

Table 2: Nature of documents which covered the land rights of respondents

	Ahanta West communities	Savelugu-Nanton communities
Tenancy agreement between parties	14	3
Agreement endorsed by a public notary	8	1
Registered at Lands Commission	3	1

Source: Field survey (2015)

In a context of rising individualisation of landholdings and more precarious tenure security, documentation of access or use rights is widely recognised as an important means to protecting interests in land (World Bank, 2003; 2006b). Informal documentation may be an important step for local landholders to feel some level of protection (Larbi and Kakraba-Ampeh, 2013; Kakraba-Ampeh *et al.*, 2014), but may not be sufficient in the face of many of the threats to tenure security and boundary challenges that pressures on land and social change are inducing. Despite government attempts to promote and facilitate land documentation through interventions, such as the Millennium Development Authority (MiDA)’s Land Tenure Facilitation Programmes Registration Initiative, including in the case study areas, documentation remains low. Respondents across the two study areas cited the high cost of surveying (85 per cent) and the complexities of land registration (91 per cent) as the most significant impediments to documenting land rights.

As competition for land and water resources have increased, open confrontations between communities and Fulani pastoralists in particular have been violent and have led to the loss of human and animal lives and property. Land tenure arrangements have started to shift as a result and in an attempt to mitigate conflict (Box 2).

Dispute resolution through traditional authorities has long been part of the customary tenure and governance systems. It has broadly succeeded in maintaining social cohesion. In recent years, development actors and land sector agencies have afforded greater recognition and promotion of the role of traditional authorities, religious leadership, and local councillors in forms of alternative dispute resolution (ADR). The 2010 Alternative Dispute Resolution Act is one attempt to promote the resolution of land-related disputes through more efficient approaches (see Chapter 5 below).



### Box 2: Community-pastoralist conflict

The struggle between communities and pastoralists for pasture, water and other land-based common resources has intensified over the years, with Fulani pastoralist activities variously described in the media as a menace and a threat to national security (GhanaWeb, 2012; Daily Graphic, 2016). Their free range grazing methods can cause damage to farms and water bodies, including drinking water supplies, sparking violent clashes and conflicts (Barre, 2012; Bukari and Schareika, 2015; Abubakari and Longi, 2014). In some instances, local communities claimed that pastoralists intentionally burnt their farms and the vegetation cover to encourage fresh pasture to grow (Bukari and Schareika, 2015). In December 2011, farmers attacked some Fulani herdsmen in and around Gushiegu in the Northern Region, killing 13 and injuring 11. They also destroyed their homes and properties. This sent fears across the pastoralist community, who fled from the communities (Abubakari and Longi, 2014).

Such clashes between communities and the Fulani pastoralists are leading to the commodification of grazing rights. Pastoralists are resorting to local land markets channels to access grazing and water rights for their herds. In some cases, pastoralists have had to make both cash and in-kind payments to traditional authorities to acquire permission to graze their herds. The acquisition by pastoralists of large fields exclusively for grazing is similar to Ethiopia's 'enclosure concept' (Angassa and Oba, 2010). Such lands are being well managed by the pastoralists to ensure a year-round supply of pasture for the herd.

In Ashanti Region's Asante Akim District, some pastoralists acquired a leasehold interest from the traditional authorities on 190 acres for grazing land. In theory, communities should welcome this development, however available evidence indicates that traditional authorities struggle to control the number of pastoralists and their herds join the 'enclosure'; the overpopulation leads to animals straying into adjoining lands and farms (see Kuusaana and Bukari, 2015).

Ghana does not yet have a coordinated approach to tackle pastoralist-farmer conflicts. Operation Cow Leg in March 2015 treated pastoralists as encroachers without rights to land and drove Fulani pastoralists and their herds away from several communities (Ahanti Today, 2015; Daily Guide, 2015). The acquisition of legitimate rights to grazing land by Fulani pastoralists should provide some protection from this. But creating an enabling environment that fosters mutual respect and peaceful coexistence between Fulani herdsmen and local communities is complex. Grazing 'enclosures' offer the potential to keep herds in a controlled space, thus avoiding the destruction of farms. But leaseholds would equally need to bring some degree of protection against arbitrary eviction. The CLSs, the OASL, and the Food and Agriculture Department need to carefully monitor these new developments and draw on emerging lessons to shape policy decisions.

Traditionally, religious and other opinion leaders would be involved in resolving disputes at the grassroots level, but chiefs and other traditional leaders usually fulfil this role (Owusu-Yeboah, 2005). To formally lodge a complaint, disputing parties are expected to offer the chief drink, money, and even sheep (*ibid*). This can be expensive, especially for rural people whose land access is under threat. The chiefs may also be involved in a wide range of duties, such as organising festivals, supervising the granting of land and

meetings, which inhibits their ability to promptly respond to disputes – particularly land disputes – as they may need to visit farms to ascertain boundaries.

There are concerns that chiefs and other traditional authorities are no longer neutral arbiters in land cases. With land values rising at unprecedented rates, the stakes are high. As one respondent told us:

“I don’t trust the chief and his elders... If you present your [land] case before them, you may return with no justice and no land.”

Interview with male resident in Apowa, 30 January 2015.

## 4.6 Food security concerns

Food security involves cultivating food crops and rearing animals to be self-sufficient and self-reliant in terms of food access, or having the economic resources to meet one’s nutritional needs.<sup>14</sup> In many instances, respondents reported declining productivity and dwindling fish harvests, heightening the likelihood of rural people becoming food insecure. In these contexts, people are less likely to be able to produce or buy enough food to feed themselves.

Specific transitions in land use may exacerbate this further. For example, the rapid switch from food and oil palm crops to rubber in the south west of Ghana in general and Ahanta West District in particular is fuelling rural food security concerns. Rubber is economically much more rewarding and can provide a regular stream income year-round, so may facilitate the purchasing of an adequate food supply. However, there are other considerations at play here. Gender division of land and assets influences food security in these contexts. In many male-headed households, men usually have access to and control over revenue from cash crops. If, over time, women have less access to land for vegetable production and less control over income from cash crops, household food security may suffer and so too women’s empowerment. Rubber prices are also subject to international market price volatility which will impact future earnings in unforeseen ways. Also, as rural people switch to rubber cultivation, the demand for food from other parts of the country increases. Without a corresponding increase in supply, this will drive up food prices, adversely impacting rural people’s ability to access it. Rural farmers and producers should therefore exercise greater caution in this transition. Policy responses should seek a fair balance between supporting profitable crop production and food security.

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14 The FAO defines food security as ‘when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life’ (FAO, 2015). Food security is also a fundamental human right (ICESCR, Art. X11a).

# 5

## Land administration reforms and local governance innovations

This chapter discusses a small number of reform innovations in land governance that hold the potential for addressing tenure security in light of the drivers of change and their associated implications discussed above.

The government of Ghana, with support from its development partners, is undertaking land administration reforms through the Ghana Land Administration Project (LAP).<sup>15</sup> In the long term, the project is expected to stimulate economic development, reduce poverty and promote social stability by improving land tenure security, simplifying the process for accessing land and making it fair, transparent and efficient, developing the land market and fostering prudent land management (World Bank, 2003). The project has realigned the fragmented and poorly coordinated institutional setup for land administration, with four of the previously six independent land sector agencies consolidated into a single entity known as the Lands Commission.

A number of key institutional innovations relevant to dealing with some of the challenges outlined in this paper are being promoted under the LAP:

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<sup>15</sup> [www.ghanalap.gov.gh/](http://www.ghanalap.gov.gh/)

## Customary Land Secretariats (CLSs)

The Ghana LAP seeks to strengthen customary land administration through Customary Land Secretariats (CLSs). CLSs are specialised units with human resources and technological capacity to support land holding authorities in local land governance. The information generated by the CLS should help prevent the multiple allocation of the same parcel of land by customary authorities and improve transparency and accountability (World Bank, 2003). The CLSs should improve record keeping on stool, skin and family land allocations while also providing an alternative channel for dispute resolution. The concept of CLS is not new. Before the LAP started, there were land secretariats in Kumasi, Kyebi and Gbawe, in Accra. The new CLSs seek to build on progressive aspects of customary land tenure practices to respond to emerging pressures and demands. CLSs are intended to manage land acquisitions in a consistent manner, ensure transparency and accountability and minimise bottlenecks.

The LAP, in collaboration with the OASL, has established 57 CLSs to date, with mixed outcomes and impact. There are many reasons for the variation in efficiency, but factors such as the capacity of those in charge of each CLS and how vibrant the local land market is tend to be critical (Bugri, 2012b; Biitir *et al.*, 2015). The CLSs were designed to be financially self-sustaining. CLSs' primary source of revenue is from processing land transactions so an active land market better enables the functioning of the CLS. So in some peri-urban and rural areas where the local markets are only beginning to evolve, the CLSs may not be generating enough revenue to execute its mandate or to employ staff with the capacity to oversee the secretariat's activities. This has direct and profound implications for their efficiency and long-term sustainability.

At the time of our field research there were no CLSs in Egyam, Apowa or Punpune and the Yoo-Naa CLS in Savelugu only opened in February 2014 (Farouq, 2014), so had yet to gain any real traction. However, Tamale's Gulkpegu CLS, established in 2005, has played a pivotal role in supporting land administration within the Gulkpegu jurisdiction. It has made some gains, speeding up land documentation and dispute resolution (Bugri, 2012b; Biitir *et al.*, 2015). Its coordinator is qualified to postgraduate level and is supported by additional staff, so capacity is strong. It has successfully partnered with the relevant state agencies and NGOs to collect gender-disaggregated data and run public education campaigns on tenure security and women's land rights.

With the appropriate human resource capacity and a vibrant land market, the CLSs can help improve records management, ensure transparency, mainstream gender and enhance coordination between the state and customary authorities. However their sustainability currently depends on the quality of their personnel and the dynamics of the prevailing local land market. Some CLSs will need financial, capacity and mentoring support to play their roles effectively and the self-financing model needs reviewing. Bodies such as OASL and the Ghana LAP should work together to conduct a thorough

needs assessment of all CLSs to identify the strengths and weaknesses of each one. This would provide a firm basis to develop the necessary interventions for their long-term sustainability.

## Community Land Management Committees (CLMCs)

Community Land Management Committees (CLMCs) are an institutional innovation responding to growing pressures on land and increasing accountability gaps. They are specialised bodies that aim to ensure sustainable land use and more equitable use of the benefits that accrue from land resources. CLMCs can be composed of a broad spectrum of stakeholders, with representatives from traditional authorities, youth, men, women, local government and others. In some communities they may go under different names, such as plot allocation or town development committees.

Like CLSs, CLMCs predate the Ghana LAP. But they are receiving renewed attention by development agencies, partly as a result of the surge in large land-based investments. Investors are increasingly recognising that obtaining and retaining a social licence to operate require land transactions to be more open and include the broader community, rather than solely dealing with chiefs and local elites (Yates and Horvath, 2013). Some companies are seeing the value in promoting consultative committees at the local level. One agribusiness company supported communities where it acquired its land to form a joint/consultative committee. This committee played an instrumental role in negotiating the company's lease arrangement. The committee works closely with the community, identifying and prioritising development needs and using revenue from the lease to fund community needs (UNDP, 2012; GCAP, 2014). This arrangement ensures inclusive decision making, opening up space for downward social accountability. Similar committees have been established by communities in peri-urban areas such as Akorowa, Amoam-Achiase and Mowire to facilitate better land use planning and ensure more equitable use of revenue from land leased to developers and investors (Afriyie, 2015).

The government of Ghana, through MoFA, has recently developed a model lease agreement and community/investor guidelines to smoothen the land acquisition process (GCAP, 2014). Both strongly recommend that companies engaged in large land acquisitions should encourage the establishment of CLMCs and/or duly recognise them in order to help ensure equitable use of lease benefits.

CLMCs are beginning to gain traction as a land governance mechanism, with committees recently established and inaugurated in Daboase (Western Region), Yapei (Northern Region) and Kadelso (Brong Ahafo Region) (Yeboah and Kakraba-Ampeh, 2015; LRMC, 2015). They are expected to liaise closely with investors, traditional authorities and local government bodies to help drive local development with targeted interventions in their catchment areas.

CLMCs are intended as a less confrontational approach to ending the concentration of land-related decision making by a small number of officials or elites. They have the potential to diffuse land decision making away from chiefs and elders by involving other stakeholders. Recent monitoring and evaluation of the performance of these committees indicate that some progress is being made. In Daboase, the CLMC has successfully negotiated a Corporate Social Responsibility Agreement with an investor and has established an Educational Trust with proceeds which is currently supporting ten students each at secondary and tertiary levels. In Yapei, the CLMC has recently re-negotiated aspects of the original lease. For example the initial grant of 16,000 acres has been reduced to about 13,000 and this is retaining some land to meet the growing demand by the indigenous people (LRMC, 2016).

CLMCs still come however with an inherent risk of elite capture, especially by members of the committee. Any attempts to scale up this concept should prioritise the need to enhance transparency, community ownership and a desire for downward social accountability. The capacity of CLMC members will be critical to their performance. Ongoing capacity building will enable members to respond to emerging dynamics and the complexities of land administration, particularly when dealing with multinational investors. This should be a shared responsibility, with committee members embracing the challenge and taking the initiative to build their own capacity so they can effectively respond to issues. Bodies such as the Civil Society Coalition on Land and its allied organisations could prioritise the improvement of capacities of local land management structures such as CLMCs.

## Land Dispute Resolution Committees

The ADR Act of 2010 (Act 798) offers a clear legislative framework and institutional setup to integrate alternative dispute resolution (ADR) into existing dispute resolution machinery. An important feature of the Act is its 'multi-door' concept which includes court-mandated dispute resolution, arbitration, customary arbitration and mediation, making provisions for both formal and customary ADR. Under customary ADR, chiefs or the appropriate traditional authority may summon the other disputing party to appear before the traditional court for adjudication. Because disputants are seen as 'subjects' of the traditional authority, they must comply.<sup>16</sup> Conversely, under the formal ADR, those expected to adjudicate the dispute often do not have the power to compel parties to appear before it. In this case, voluntary submission by parties is critical. However, where traditional leadership are not neutral stakeholders in the dispute process, the potential of customary ADR is undermined. Where customary leaders have become a source of land-related disputes (rent seeking, allocating the same parcel of land to multiple parties) (Campion and Acheampong, 2014; Yeboah and Shaw, 2013), people whose land rights

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<sup>16</sup> In order to avoid the threat of punishment (Shively, 2001, cited in Njoh, 2006).

have been infringed upon by traditional leaders are forced to go to the same people in search for justice.

Specialised land dispute resolution committees are also gaining prominence in rural land management. Land disputes can be complex, and range from petty misunderstandings to serious clashes. But timely identification and management of disputes can reduce the chances of escalation (Wehrmann, 2008). One research initiative exploring tools for rural land tenure security investigated the potential of community-based land dispute resolution mechanisms (Larbi and Kakraba-Ampeh, 2013). This initiative trained committee members in basic aspects of dispute resolution, and promoted the committee as the first port of call for land-related disputes. The committees were set up to be gender-sensitive, inclusive and representative. The intention was to expedite dispute resolution by having a community-based mechanism that would negate the need to take a dispute to traditional authorities or the court.

The government has adopted the concept of Community-based Dispute Resolution Committees, particularly during systematic land survey processes, including as part of the OASL's Rural Parcel Right Demarcation Project (OASL, 2013). So far, committees established under these initiatives have successfully resolved a number of small-scale boundary disputes (OASL, 2015), but experiences have been piecemeal and relatively recent or short term and so the case for their systematic replication or formalisation remains incomplete. A number of key questions remains as to their potential legal status, the binding nature of their decisions, and their capacity to be sustained over time.

# 6

## Policy priorities for addressing rising pressures on land

In addition to the local level governance arrangements discussed in Chapter 4, a number of policy responses and priorities for land and livelihood security emerged in response to the pressures and their associated implications highlighted through the research. This chapter presents a number of priority areas.

### 6.1 Addressing fragmentation and reduced farm plot sizes

Agricultural extension geared towards improving productivity on small plot sizes with declining soil fertility is an increasing policy priority. This could include promoting low cost options for restoring soil fertility and higher yielding varieties. However options for reversing fragmentation trends have received far less attention at policy level and need urgent exploration. Land consolidation interventions such as land pooling and block farming can address the problems caused by land fragmentation. Land readjustment involves assembling small rural land parcels into one large plot, providing planned infrastructure, such as access roads, and irrigation to the whole area and then returning the land to the owners, having deducted the cost of providing the infrastructure and services. These costs are commonly found by selling some of the serviced land (Ballaney, 2008). Although farmers cultivate their individual fields, they work closely together as a group or farmer-based organisation. This is important in reducing overall costs and providing mutual support among the farmers (Turner, 2009). Bringing smallholdings together in this way can enhance efficiency and sustainability.



Although land pooling and block farming are both useful tools for dealing with land fragmentation and its implications for agriculture, they also have their challenges. In the absence of structured mechanisms to demand downward accountability, both could result in elite capture, denying marginalised groups from enjoying incidental benefits. But they can also have unexpected benefits. For example, in Lesotho, block farming has facilitated the formation of farming cooperatives and farmer-based organisations, which successfully leveraged their group solidarity as collateral to secure loans from financial institutions (Turner, 2009).

Although block farming has been mentioned as a possible new direction to improving agricultural productivity by the government (Amanor, 2012), not much has been done to put the proposition to the test. Further research is therefore required to explore how local communities experiencing land fragmentation could be supported to accept and roll out such interventions.

## 6.2 Livelihood diversification initiatives and options

Reducing land sizes and accessibility threatens the very survival of farming communities. Whilst options for building resilient agricultural livelihoods are essential, rural people need support to move into other levels of the value chain that are not land-dependent. Various interventions – including the Rural Enterprise Programme and the Northern Rural Growth Programme – have helped local farmers diversify their livelihoods. Modules include grass cutter rearing, beekeeping and mushroom production. Small-scale processing of palm oil, soap, *gari* and shea butter are other simple but effective ways of moving rural people, especially women, up the value chain. Such activities can also provide an income during off-farming seasons. SADA and MoFA's Women in Agriculture programme could be useful vehicles to roll out such interventions nationally.

Building local people's capacity to diversify livelihoods is critical, but ensuring guaranteed markets will also help cut down on post-harvest losses and help rural industries thrive. Tax incentives for investors who engage in such activities could help stimulate interest. A review of Ghana's investment code and tax laws by the IPC and other actors would highlight ways forward to take advantage of emerging local and international opportunities in this regard.

Where farmers are transitioning from domestic crops to cash crops, policy interventions need to aim at the middle ground by creating an enabling environment that supports farmers to cultivate rubber (for example) without compromising their ability to be self-reliant in food. Previous attempts encouraged farmers to set aside part of their farmlands for food cultivation, but failed to achieve any meaningful impact because their motivation to maximise financial benefits far outweighs their concerns for food insecurity. MoFA

would therefore need to urgently raise awareness of the extent to which food security will be compromised if the current conversion from food crops to rubber continues unabated.

## 6.3 Support for the local fishing industry

Fishing contributes to food security, improves nutrition, and provides employment and improved livelihoods in Ghana. The National Fisheries Commission and the Ministry of Fisheries and Aquaculture Development coordinate activities to safeguard and improve fishing, working collaboratively to address issues that affect the industry. But with paired trawling, the use of poison, dynamite and other illegal methods, and the distribution of outboard motors and their fuel attract most of their attention (Akpalu and Bitew, 2011). Other high priority issues – such as establishing a fisheries college and providing life insurance cover for fisherfolk – now need urgent action.

Another issue in need of urgent attention is the impact of offshore oil drilling on the industry. Ghana imports about 50 per cent of the fish it consumes (GhanaWeb, 2014). Oil activities, climate change and the proliferation of seaweed have drastically reduced the country's fishing space. Five years after oil extraction started, there is no plan, policy and programme to deal with the expected and unexpected outcomes. There is no clear strategy to deal with oil-induced challenges faced by local artisanal fisherfolk along the coastal belt. This is a policy gap that needs urgent intervention. Ghana's National Aquaculture Development Plan, currently being developed by the Ministry of Fisheries and Aquaculture Development needs to offer some solutions. Shifting the focus from sea fishing to inland aquaculture development could help coastal areas cope with the impact of oil extraction.

## 6.4 Compensation payments for compulsory acquisition

Lack of, or delayed, compensation associated with compulsory acquisitions is not a new challenge facing the land sector. The 1999 National Land Policy articulated clearly the issue and the resulting challenges faced by farmers:

"[There is widespread] compulsory acquisition by government of large tracts of lands, which have not been utilised and for which payment of compensation has been delayed. By this policy, landowners have been left almost landless, denied their source of livelihood and have become tenants on their own lands, giving rise to poverty and disputes between the state and the stools as well as within the private land sector." (Government of Ghana, 1999).

Article 20(2a) of the Land Policy mandates the state to make fair, prompt and adequate payment of compensation when lands are compulsorily acquired. Despite efforts under

the LAP to ensure the implementation of the National Land Policy since 2003, there has been little improvement in the payment of compensation for expropriated lands.

In response to the situations surrounding the acquisitions in Ahanta West for an oil refinery and for Tamale Airport in the north, the authors recommend that, if land is not used and compensation is not paid by the state within two years of acquisition, the land should return to its original owners. Such a policy change would help landowners and government alike to navigate a middle ground. It gives the state ample time to use or pay for the land and avoid long-term land freezes. The authors also recommend that the Lands Commission should establish a temporary ring-fenced escrow account for compensation monies whenever the state acquires land.<sup>17</sup> This recommendation has been considered by relevant actors and integrated into Ghana's revised Land Bill.

## 6.5 Reconsidering rules for changing land ownership

Statutory declarations are legal mechanisms that enable individual land holding families to request the transfer of absolute control of lands allocated to them from the stool to the family. All chiefs, family heads and local government officials consulted during the research in Ahanta West District were unanimous that the process for statutory declarations (publication of petition in a newspaper) is flawed and creates opportunities for the educated and the elite to cheat those who cannot read or write. It is difficult for most rural citizens to find out about the publication of intended statutory declarations. They are unlikely to raise objections because they are either oblivious of the process or do not have the capacity to navigate the bureaucratic complexities of raising objections.

To address this, community forums could be an integral component of the statutory declaration process, along with local radio announcements in local language(s) and dialects. Further announcements could be made at public gatherings – in churches and mosques, at markets, funerals and festivals – to ensure people are aware. Such approaches are supported by international norms (Palmer *et al.*, 2009; FAO, 2012) and Ghanaian law, providing for meaningful consultation with those to be affected on land-related decisions.<sup>18</sup> In this case, the authors propose that evidence of consultation should be presented to the Lands Commission, along with any objections and their response. The Lands Commission should verify that adequate consultation has been conducted. Such steps will build safeguards into the statutory declaration process, offering protection to illiterate and vulnerable people.

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17 The assessed value of the compensation is lodged with the Lands Commission so that the money involved will be available even before the expropriation is finalised through the publication of an executive instrument.

18 For example, the 1994 Environmental Protection Act, the 1999 Environmental Assessment Regulations, the 1994 National Development Planning (Systems) Act, and the 2008 Lands Commission Act.

# 7

## Conclusion and recommendations

Africa has a competitive advantage in agriculture, largely because of its vast supply of arable land and a young population which offers a rich pool of labour. At continental and regional levels, bodies such as the New Partnership for Africa's Development (NEPAD) and the Economic Community for West African States (ECOWAS) are strategising to reposition agriculture as the driving force for economic development. The Comprehensive Africa Agriculture Development Programme (CAADP) is an example of such initiatives. In Ghana, national policies – such as the Coordinated Programme of Economic and Social Development Policies and the Ghana Shared Growth Development Agenda – prioritise agriculture as a catalyst for economic development, particularly food security and employment creation. Other policies – such as the Food and Agriculture Sector Development Policy, the Medium-Term Agriculture Sector Investment Plan, the LAP, and the GCAP – seek to create an enabling environment for agricultural development, with some focus on smallholder farmers.

Yet competition for land is putting immense pressure on such initiatives to deliver. Demand for land in peri-urban and rural Ghana is increasing. Multiple pressures on land are squeezing land access across the country and impacting rural livelihoods. Recent estimates indicate that 15.6 per cent of the population are food insecure (World Food Programme, 2016).

Land is the single most important economic asset in rural areas. So increasing land scarcity has the inherent threat of escalating rural poverty. Under such circumstances, Ghana will struggle to achieve global development targets – including food security and economic empowerment for the rural poor – unless its government implements appropriate policy interventions. In this concluding chapter we seek to summarise the key findings and make some clear recommendations drawn from the analysis

The field research delved deep into the prevailing dynamics of two of Ghana's ten administrative regions. Limited in scope, this study did not capture all the tenurial complexities of the two regions, let alone the whole country. There are ethno-tribal groups with their own separate cultural arrangements and land tenure practices which have not been explored in detail here. Furthermore, any single study seeking to map out how tenure typologies are responding to pressures will be an ambitious endeavour. Stretching the available evidence to paint a picture of the state of affairs across the country will equally be an over-generalisation. However the research has generated insights into some broad trends and how they might be playing out for different rural land users.

## 7.1 Key findings

Competition for land by different actors and users is not a new development. But the extent to which multiple drivers are combining to put pressures on land in recent times – especially in rural and peri-urban areas of Ghana – has been alarming. A dramatic increase in perceptions of tenure insecurity as compared with ten years ago illustrates the impact of this. With annual growth rates of 2.1 (3.5 in urban areas), it is clear that population and urbanisation are fast rising in Ghana. The government is positioning the country as an attractive destination for large-scale agri-investments, there is no pragmatic or coordinated strategy to respond to small-scale mining, and climate change is here to stay. All this suggests pressures on land will continue to rise.

A steady shift towards the individualisation of land rights secured through quasi-market transactions is gaining traction. Market-oriented means of accessing land – long-term leases, renting or buying – are becoming increasingly popular. As demand for land rises, traditional landholding institutions are subjected to intense pressures, destabilising customary means of accessing land. Land access through various guises of a land market will continue to increase.

Land fragmentation is happening at macro (family or stool/skin) and micro (individual) levels. Families – even those who are members of a stool or skin – are resorting to statutory declarations to claim exclusive ownership of traditional landholdings. Statutory declaration is a legal process, but it is opaque and questionable. Loopholes in the legal approach for statutory declarations erode possible safeguards for illiterate people, particularly in the rural areas, creating fertile ground for elite capture.

At the micro or individual level, average farm plot sizes are fast reducing. This trend is most pronounced in the more densely populated south. In the face of rising land pressures from the various drivers, we anticipate that average farmland sizes will get smaller still.

Changing modes of land access could be both a threat and an opportunity for men and women. Where women's access to land is dependent on their male kinfolks, smaller

average plot sizes and the increasing commodification of land access are threatening their access further. Alternatively, a shift towards more market-oriented pathways for land access could also provide an opportunity; with the market as the means of access, the principal determinant is the ability to pay. This could improve land access for women who can afford it.

Changes in land use are presenting serious food security concerns. Transitions from domestic food crops to cash crops can provide more secure income in the short term but threaten access to food in times of hardship and present long-term uncertainty. These transitions can exclude women from land access or reduce access to critical income for family welfare.

Elite capture of benefits from emerging land markets, opportunities presented by investment and the breakdown in accountability of traditional authorities are resulting in the reinforcing of hierarchies and exclusion of citizens from land management; this is exacerbated and promoted through poor oversight and law enforcement in relation to large-scale acquisitions of land (either state-led or private) and poor access to justice.

Innovations at the grassroots level are helping to secure access to critical land and natural resources for some rural citizens. These include innovation in managing dwindling common property fishing resources, increasing levels of informal documentation of land rights, and experimentation with community dispute resolution and land management committees. These all aim to address inclusion in land governance, improve tenure security and access, and offer important lessons for initiatives at scale.

More formal state or traditional authority-led developments include the granting of grazing lands to pastoralists, promotion of ADR, support to CLSs, and the review and consolidation of land laws to generate a comprehensive and coherent single Lands Act. These are all major steps forwards towards stronger land governance, including balancing the strengths of customary land administration with statutory measures of protection for the most vulnerable. Here there is much more to be done.

## 7.2 Recommendations

Taking into account the regional specificities across Ghana, there is a need for prioritisation of action according to local conditions and needs. Below we set out first the top priorities for the two distinct case study regions, followed by a summary of the broader recommendations for addressing the increasing squeeze and livelihood struggles being faced by rural land users generated by the analysis conducted through this study.

In the southern sites, policy interventions should focus on supporting and building the resilience of communities affected by oil developments and associated dwindling land access including undertaking economic activities that are not directly dependent on

land. The compulsory acquisition of farmlands without compensation needs immediate intervention. The state should either return the land to its original owners immediately or pay adequate and fair compensation without further delay.

In the north, climate change is having a devastating effect, with extended periods of drought, torrential rains and flooding all becoming increasingly common. This is endangering access to food and livelihoods. The intensity and frequency at which communities are experiencing drought and flooding call for immediate action. Policy interventions supporting a shift from rainfed agriculture must support irrigation in a way that benefits men and women equitably. The issue of herder-farmer conflicts also needs immediate action – Ghana needs to define and develop guidelines to manage nomadic herding activities.

To address the broad trends being observed, the following recommendations should be prioritised:

- Explore land readjustment options, including land pooling and block farming.
- Explore the role of high-yielding varieties and support for low-cost ecological farming methods for restoring soil fertility and increasing productivity.
- Ensure that the switch from food crops to rubber farming is carried out within the context of sustaining local food security.
- Build on livelihood diversification initiatives and on enabling producers to move higher up the value chain.
- Address impacts of offshore drilling on the fishing industry and alternatives for small-scale fisherfolk, including supporting grassroots approaches for efficient management of remaining fisheries commons.
- Strengthen extension services for capacity building of rural citizens on land issues, especially for women and youth.
- Improve access to justice for rural citizens. Improving accountability of customary dispute and alternative dispute settlement mechanisms is an increasing priority and legal aid mechanisms could be critical.
- Step up advocacy interventions on mechanisms to address the right to food and legitimate tenure rights, particularly those aimed at strengthening rural citizen's capacities to assert their rights (by the Ministry of Gender, Children and Social Protection, civil society members, community-based organisations and government departments such as Women in Agricultural Development).
- Reform and enforce compensation rules for compulsory acquisitions.

- Build on local innovations in documentation of local land rights and dispute resolution to address gaps in customary tenure systems and formal registration procedures that exclude most land users.
- Develop a national level strategy on addressing herder-farmer conflicts building on experiences of formal land access for pastoralists.
- Transform statutory declaration processes to improve inclusivity and transparency, for example through community forums for transfers of land from customary authorities to family ownership
- Strengthen capacity of the CLSs including through a rethinking of the self-financing model to level the playing field between high and low functioning land market areas.
- Carry out further research into the effectiveness, efficiency, legitimacy and sustainability of community-based land management bodies (community land management committees and community-based dispute resolution committees).

These general recommendations could be pursued within three main arenas in which there is policy opportunity:

Ongoing land administration reforms and consolidation of land-related laws that create opportunities for the legal empowerment of communities. Both state and non-state actors should enhance tenure security by ensuring transparency and strengthening farmers' capacity to demand accountability from the custodians of customary lands.

Policymakers need to develop a national land use planning process, to mark out available land, and to consider national food production and security as part of economic growth strategies.

Government policy needs to focus on strengthening smallholder farmers, who are facing challenges in accessing land and securing livelihoods. This requires investment in agriculture and a strategy to improve the skills and productivity of smallholder farmers.

In conclusion, mounting pressures on agricultural land over the last ten years have had a significant impact on the way that land is accessed, managed and farmed in Ghana. The rapid pace of change is altering the rural landscape, causing smallholder farmers to farm smaller, more fragmented pieces of land, switching their crop choices as well as changing community-based land governance practices. This has social as well as economic repercussions, particularly on women and young people. The Ghanaian government needs to address state level policies around land governance and livelihoods so as to support farmers to develop sustainable livelihoods and ensure that current power imbalances can be managed and not increased. As Ghana is currently in the process of consolidating a number of land-related laws into a single Lands Act, there is an opportunity to address some of the challenges highlighted in this research.



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# Research Report

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**Law, Land acquisitions and rights**

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In Ghana 70 per cent of the population are smallholder farmers who depend on the land for their basic needs. Growing competition for this resource is having significant impacts on rural livelihoods and governance as land changes hands. This study highlights the key drivers of pressure on rural land and their communities, such as population growth, urbanisation and acquisition of land by new actors, including government and business. It draws on case study evidence from two communities: the Ahanta West District near Sekondi-Takoradi in the south, and the Savelugu-Nanton Municipal Authority around Tamale in the north. It shows how, under new circumstances, rural communities are changing how they access and manage land: shifting from customary to more commercial systems; farming smaller plots of land; and renegotiating access to common resources, such as grazing land. This in turn is influencing crop choices and livelihoods. As Ghana is currently in the process of consolidating a number of land related laws into a single Lands Act, there is an opportunity for the government to address some of the challenges and recommendations highlighted in this research.

IIED is a policy and action research organisation. We promote sustainable development to improve livelihoods and protect the environments on which these livelihoods are built. We specialise in linking local priorities to global challenges. IIED is based in London and works in Africa, Asia, Latin America, the Middle East and the Pacific, with some of the world's most vulnerable people. We work with them to strengthen their voice in the decision-making arenas that affect them – from village councils to international conventions.

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Investing in rural people