



Strengthening women's voices in the context of agricultural investments: Lessons from Ghana

Gertrude Dzifa Torvikey

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Acronyms

CLDC	Community Land Development Committee
CLS	Customary Land Secretariat
COLANDEF	Community Land and Development Foundation
FAO	Food and Agriculture Organisation
FGD	Focus Group Discussion
GDP	Gross Domestic Product
GSF	Grassroots Sisterhood Foundation
IIED	International Institute for Environment and Development
IMF	International Monetary Fund
LAP	Land Administration Project
LAWA	Leadership and Advocacy for Women in Africa
LRMC	Land Resource Management Centre
MiDA	Millennium Development Authority
MOFA	Ministry of Food and Agriculture, Republic of Ghana
PNDCL	Provisional National Defence Council Law
PRSP	Poverty Reduction Strategy Paper
SAP	Structural Adjustment Programme
STA	Spousal Transfer Agreement
WIAD	Women in Agriculture Development
UN	United Nations

Acknowledgments



About the author

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Introduction

Background and aim of the study

This report has been produced as part of the 'Gender, Land and Accountability in the context of agricultural and other natural resource investments' initiative. With land-based investments increasing in East and West Africa, the initiative aims to understand and address gender differences in community land stewardship and legal empowerment in these two regions. The aim of the project has been to identify innovative practices for civil society, grass-roots organisations and governments seeking to protect community lands through gender-sensitive approaches as well as to implement new approaches designed to ensure that local voices and lessons from local initiatives inform relevant national policy-making in four countries: Senegal, Ghana Kenya and Tanzania. The Ghana component of the project is spearheaded by the Network for Women's Rights in Ghana (NETRIGHT), which commissioned this country-wide assessment.

Specific aims and scope of this report

The specific objectives of this country-wide assessment were to:

- Deepen knowledge and understanding of the problems of gender-equitable land governance in order to contribute to the transformation of gender relations by giving women a greater say as well as ownership and control of their lives, assets and livelihoods;
- Provide evidence pointing to possible entry points and approaches to promoting gender-inclusive, equitable community land stewardship and downwards accountability in agricultural investments;
- Help to build a wider, knowledgeable constituency committed to promoting best practices in gender-sensitive land governance;
- Reach selected communities, officials in formal and informal land governance institutions and civil society organisations (CSOs) working to promote equity in land governance in four out of ten regions of Ghana, namely Ashanti, Greater Accra, Northern and Central.

Methods

The first stage of the research was a systematic review of secondary literature on gender equality in land governance. In addition, an analysis of the policy and legal instruments governing land was undertaken to track changes in land reforms and administration and their implications for women's participation at the local and

national levels. Data was also gathered on the representation of women and men in formal and informal land policy-making and governance institutions.

The second stage of data collection involved the compilation of disaggregated land titling and registration data in order to examine gender differentials in relation to formal and informal land governance institutions, as well as the extent of joint spousal titling. A few cases involving women were also catalogued to understand how adjudication was executed in these cases.

To complement this secondary data and deepen the data analysis, in-depth interviews and focus group discussions (FGDs) were conducted in four areas: Bawjiase (Central Region), Dodowa (Greater Accra Region), Wamale (Northern Region) and Apemenim (Ashanti Region). These areas largely represent plurality in land governance linked to lineage practices. In all four communities, a chief and a queen mother were interviewed. In addition to this, two sets of FGDs sessions (all female and all male) were held in each community. Two of these communities – Bawjiase and Wamale – are also communities where two innovations – the COLANDEF Land Titling Initiative (see Box 1) and the Grassroots Sisterhood Foundation's Mwananchi Project (see Box 2) – aimed at improving women's participation in local land governance institutions were implemented. In these two communities, in-depth interviews were conducted with beneficiaries of the initiatives.

Equally important for the study is the fact that the four regions largely demonstrate the plurality of land tenure practices and their implications for women's land rights and access. In the Ashanti and Central regions, which are matrilineal territories, chiefs hold the land in trust for the community. In the patrilineal Greater Accra Region, land belongs to families, while traditional authorities (occupants of skins) govern land in the Northern Region, which is also patrilineal. These examples illustrate the extent of the diversity in the nature of gender equality in land governance at the local level. Moreover, while Greater Accra is highly urbanised and occupies the smallest land area (3,245 square kilometres, or 1.4 per cent of the total land area of Ghana¹), the Northern Region has the biggest land area (70,384 km², or 29.5 per cent of the total land area of Ghana²), but is sparsely populated. These differences could have implications for the way in which land governance and participation in governance issues are negotiated.

1. <http://www.ghana.gov.gh/index.php/about-ghana/regions/greater-accra>

2. <http://www.ghana.gov.gh/index.php/about-ghana/regions/northern>

Box 1. The COLANDEF Land Titling Initiative

In 2006, the Millennium Development Authority (MiDA) in Ghana partnered with the Community Land and Development Foundation (COLANDEF) to pilot a project on systematic land title registration in the Awutu Senya District in the Central Region and the Savelugu-Nantong District in the Northern Region as part of a planned “agricultural transformation” under the Agricultural Productivity and Rural Development Project (APRDP). The project aimed to increase the productivity of land used to grow high-value cash and food staple crops in MiDA intervention zones. A key component of the APRDP was Land Title Facilitation, which aimed to improve the security of tenure for existing land users and to facilitate access to land for commercial planting in the MiDA areas. The land management and governance aspects of COLANDEF’s work focused on integrating land title registration with customary land practices and strengthening the security of tenure for local people. Women and other vulnerable groups such as migrants, settlers, people with disabilities and the elderly – who are the most affected by customary land practices – were the main targets of the project.

In many communities, especially in the Awutu Senya District, where the pilot was implemented, much of the farmland is leased on an annual rental basis, which means – according to the Land Title Registration Law 1986, PNDCL 152 – that it is not eligible to be registered for a title certificate. Women farmers mostly rent land in this way since they lack the resources to obtain longer leases. To facilitate greater registration, the project tracked the frequency and duration of the farmers’ use of their rented plots. Where farmers were found to have used their rented land for more than a year, the project consulted with traditional authorities and landowners to convert their annual tenancies into leases of more than three years – which can be registered. The land was duly registered and oral tenancies were also documented.

COLANDEF and MiDA’s Pilot Land Titling Project helped 3,000 farmers in the Awutu Senya District to benefit from land registration and titling, 40 per cent of whom were women. Acreages registered ranged from 1 to about 50 acres, with female farmers registering smaller plots compared to their male counterparts. The project succeeded in registering allodial and usufructuary interests.

The project also identified local leadership structures which are particularly relevant for gender equity in decision-making over land. Community governance arrangements which included queen mothers and other female leaders were generally well run and allowed women to participate in decision-making. Such female leaders were aware of many land-specific issues, including legal and acquisition procedures.

Box 2. The Grassroots Sisterhood Foundation's Mwananchi Project

Having identified socio-cultural practices in the Northern Region which grant women land-use rights (but not ownership and control), the Grassroots Sisterhood Foundation (GSF) started the Mwananchi Project, which aimed to increase women's access to land by fostering dialogue among influential community members. The project – Enhancing Transparency and Accountability in Land Management – was initiated in nine communities in the Nantong traditional area, including a community of women displaced by ethnic violence in 1992 who have since settled on communal land. Although 80 per cent of subsistence farmers are women, 80 per cent of the land is controlled by customary authorities such as chiefs, clan or family heads, or individuals who are mostly men. Many women farmers are illiterate and marginalised and therefore face discrimination under both formal and informal customary systems and laws.

The Mwananchi Project focused on addressing some of these challenges through broad consultations aimed at changing the status quo. The project began by documenting traditional land policies in the beneficiary communities. Based on the data gathered, it advocated for reviews of customary land laws to guarantee security of tenure for women. To that end, GSF engaged with traditional and national land governance institutions. Chiefs (male and female), family heads, women leaders and women's groups, the media and government officials in agencies such as the Lands Commission, the Customary Land Secretariat and the Survey Department were all engaged in discussions aimed at enhancing information flow, transparency and accountability around customary land management, as well as improving the participation and say of women in land-related decisions. These engagements, consultations and conversations with various groups in the community encouraged the participants to start questioning the obstacles women faced in obtaining greater security of land tenure. The interlocutors themselves helped to think of solutions to the problems they identified. An important part of the project was the creation of links between women chiefs, queen mothers and women community leaders which enabled them to jointly set an agenda for a review of the customary land system in order to enhance women's security of tenure.

1. Setting the scene: gender and land governance in Ghana

The context

Land is highly valued in most parts of sub-Saharan Africa – not only is it considered an important asset in sustaining livelihoods, it is also regarded as an essential asset for wealth generation. Land is one of the key means of production and contributes substantially towards the agrarian backbone of most African economies, constituting a considerable part of their gross domestic product (GDP)³. Ghana is no exception to this, with agriculture being the core economic activity.

In Ghana, land is widely regarded as a bequest from the ancestors that needs to be used wisely and conserved for the benefit of present and future generations⁴. Land is therefore carefully protected and preserved by many communities, and its management and conservation is deemed to be of paramount importance. Over the years, there have been rapid changes in the terms of land use and tenure in Ghana, and it is an important asset for both women and men.

Although studies have acknowledged the important role that women play in land development and natural resource management in Africa – whether they are involved in agriculture, home gardening, food gathering or wood harvesting⁵ – they have faced different forms of tenure insecurity, both as wives and in their relations with wider kin⁶. In addition, women and other vulnerable groups are frequently barred from involvement in day-to-day land administration and governance at all levels – local to national⁷ – as landholding systems have been integrated into wider markets⁸. Often, women find it difficult to participate in land administration for economic, socio-cultural and also very practical reasons. Specific constraints include the general lower levels of women's education compared to men⁹. However, it is accepted in Ghana that equitable representation and participation in land administration requires the interests of all segments of the population to be accommodated and women are openly acknowledged as stakeholders in land administration¹⁰.

3. Toulmin, C. (2008)

4. Atkinson, J. (1998)

5. African Development Bank (2012)

6. Yngstrom, I. (2002)

7. FAO (2011)

8. Yngstrom, I. (2002)

9. FAO (2011)

10. FIG (2001)

Overview of Ghana's land tenure system

Land tenure is often defined as a set of rules and regulations that govern the ownership, use and transfer of interests in and rights to land¹¹. There are two main categories of land tenure in Ghana: public land and customary land. Public lands include those entrusted in the President on behalf of the people of Ghana under the Administration of Lands Act of 1962 (Act 123), as well as other lands that are obtained in the public interest through the State Land Act of 1962 (125) or other statutes. The second and main form of land tenure is customary tenure, which is often held by stools (in Southern Ghana), skins (in Northern Ghana), families and their elders (for instance in the Volta Region)¹² or individuals. While the Lands Commission Secretariat is in charge of the administration of public land, under the Lands Commissions Act (Act 483), customary land is often vested in the hands of community, family, household, clan or lineage heads, who are predominantly male¹³. Currently, about 80 per cent of the land in Ghana is owned by customary groups, while 20 per cent is under state control. People acquire and hold land in different ways, but generally they can access land from their community through their membership in a lineage, or by purchasing or renting.

Customary land

Before colonisation, the customary land tenure system guaranteed each member of a land-holding community access to land for farming, housing and the enjoyment of other tenurial benefits. While there was some differentiation within the system based on class, gender and age, the regime sustained the social security of most Ghanaians in the absence of any insurance benefits and fostered a sense of community.

Access and ownership of land under customary land law is expressed in terms of the rights recognized within a particular tradition. Ownership takes the form of a complex relationship between people in a society with respect to anything acquired by them, either as individuals or jointly as a group. Therefore, customary land tenure is regarded as a communal arrangement where immutable land rights are held by trustees on behalf of the whole community and in its interests. Occupants feel a spiritual affinity for their land, which they view as an ancestral legacy. Land is believed to belong to *"a vast family of which many are dead, a few are living and a countless host are still unborn"*¹⁴ – a belief illustrating the spiritual underpinnings of land ownership.

Although the customary land tenure regimes in Ghana are diverse in their concepts and practices, and are location specific (as stated above), they exhibit certain

11. Payne, M. (1997) as cited by Mends, T. M. (2006).

12. Aryeetey, E., Al-Hassan, R. M., Asuming-Brempong, S. and Twerefou, D. K. (2007); Tsikata, D. and Yaro, J. (2011)

13. Tsikata, D. (2001); Moyo, S. (2008)

14. Ollennu, N. A. (1962)

commonalities¹⁵. For instance, even though the entire community holds the allodial interest (the highest interest identifiable in customary land schemes), traditional rulers with the council of elders, land or earth priests, or family or lineage heads typically manage the lands as trustees. This bestows a sense of security of tenure on all members of the particular land-holding community and, as such, guarantees sustainable livelihoods and stable micro-economies¹⁶. This system rests on the principle that legitimate land rights stem from conquest, settlement, first clearance and from gifts, which give trustees rights of access and control. In turn, each member of the land-owning group has an inalienable right to the portion of the land he/she cultivates¹⁷. Customary ownership of land can take diverse forms, with distinctive legal rights, notably allodial or paramount title; sub paramount title; usufructuary/customary freehold interest; tenancies; licences and pledges¹⁸.

Statutory land

Many changes to legislative and judicial processes occurred during the colonial period. For instance, the colonial state developed a system of land tenure that – while it conserved some pre-colonial practices – changed the customary system by introducing new concepts from English law and awarding an important role to the state in the administration of land and the adjudication of disputes. Colonisation and its associated economic initiatives in Southern and Northern Ghana laid the foundations for a land tenure system dominated by chiefs and altered the communal land tenure system into arrangements suited to production based on individual private property¹⁹.

After independence in 1957, successive governments enacted various pieces of legislation that accelerated the development of land markets and privatisation. The expansion of individualised tenure at the expense of communitarian principles proved damaging for social groups with informal land holdings such as women, young people, and migrants²⁰. The 1992 Constitution, the most important legal document affecting modern land law in Ghana, leaves land law partly in the domain of custom, while maintaining a moderately complex machinery to control the use and sale of stool land in a concurrent fashion. Adhering to customary law principles, Article 267(1) of the 1992 Constitution entrusts all stool lands in the relevant stool or skin (chief or other traditional authority) in trust for the subjects of that stool based on customary usage and law. The Constitution establishes broad state oversight of the ownership of land, although it recognizes the customary ownership of chiefs²¹.

15. Kasanga, K. and Kotey, N. A. (2001)

16. Kotey, N. A. and Yeboah, M. (2003)

17. Kasanga, K. and Kotey, N. A. (2001)

18. National House of Chiefs and Law Reform Commission Ascertainment of Customary Law Series (2009)

19. Bugri (2008)

20. Tsikata, D. and Yaro, J. (2013)

21. Blocher, J. (2006)

The dual dilemma

Lands rights in Ghana are often a thorny issue, despite – or perhaps because of – the presence of interlocking forms of ownership. The complexity is evident in the several informal and formal institutions that make up the Ghana land administration system and is reflected in the high number of land disputes in the country. The customary land tenure arrangement has evolved into a unique system operating alongside the statutory system. Statutory tenure, instituted under colonial rule, introduced state control into land administration, whereas the customary land tenure system created a fiduciary arrangement. The result has been the privatisation and commercialisation of land parcels, especially in the urban areas of the country; although the customary land tenure system is largely exercised in rural settings²².

The widespread commoditisation of land has called into question the authority of traditional land administrators²³. Some researchers have argued that the challenge to the authority of these figures stems from their abuse of the trusteeship philosophy of the customary tenure system, which has eroded its credibility²⁴. In addition to this, studies have argued that the poor and inefficient land management practices in the country have created ambiguities and increased the pressure on the institutions of land tenure and management²⁵.

The upshot is that the country's land tenure system is facing an overwhelming set of challenges and constraints. The challenges include the complexity of gaining access to land for agricultural, residential and other purposes; weak security of tenure due to legal pluralism (the intertwined presence of the four systems of land law: customary, religious, statutory and constitutional) and the sluggish resolution of land disputes as well as contradictory court judgements; multiple sales of particular parcels of land; undefined customary land territories; inept record keeping compounded by a weak land administration system²⁶ and gender-differentiated disparities over access to and control of land in some parts of the country.

These constraints have culminated in the Land Administration Project (LAP), which seeks to create an appropriate, efficient and impartial land administration system that will improve security of tenure through competence, cost effectiveness and decentralisation²⁷.

Land governance in Ghana

Land governance includes the policies, processes and institutions by which land, land-based property and natural resources are administered – including decisions over access to land, land rights, land use, and land development. These policies

22. Mends, T. M. (2006)

23. Ubink, J. M. and Quan, J. F. (2008)

24. Kasanga, K. and Kotey, N. A. (2001)

25. Kasanga, K. and Kotey, N. A. (2001) ; Larbi, O. W. (2006)

26. Maha-Atma Pomevor, S. (2014)

27. World Bank (2003)

should ideally aim to be sustainable and institute a strong relationship between people and land²⁸. Ghana has adopted several land governance policies during colonialism and after independence. Most of these policies, especially those that came into being in the colonial era, were adapted from Western models and imposed on the population of the then Gold Coast.

In 1883, an initial bill was passed requiring land transfers to be documented and registered. However, a shortage of administrative capacity and qualified personnel to run the planned registration system rendered the bill largely irrelevant. The administration made a second attempt to formalise land transfers in 1894 with the adoption of the Crown Lands Bill. However, the indigenous inhabitants vehemently resisted the bill, and in 1898 the government annulled it and recognised native ownership of the land. A further attempt was made in 1895, when an ordinance was passed that sought to modify the 1883 bill. The 1895 ordinance set out how lands should be registered, what records were required and how they should be maintained. Nonetheless, difficulties still remained with respect to the 1895 ordinance; for example, registration under the ordinance still did not guarantee title and the ordinance only addressed the recording of deeds but did nothing to address the lack of proper surveys or title registration²⁹. English common law was introduced to bring land administration under British control, creating the plurality of tenurial regimes in the colony³⁰ that persists to this day.

The policy continued to be implemented and in 1954, the UN Housing Mission published a memorandum declaring that insecure land tenure was the primary obstacle to resolving Ghana's housing problem. In 1960, the Land Development Act (Protection of Purchasers) was passed to safeguard the interests of potential transferees. However, this legislation also proved ineffective and an insufficient substitute for comprehensive legislative reform³¹.

The Land Registry Act of 1962 (Act 122) was the next attempt at land tenure reform in Ghana. It required that registered instruments contain location and boundary information, but failed to address two problems. Firstly, qualified surveyors were not available to conduct accurate surveys. Secondly, as a result, inaccurate site plans were continually registered after the Act's enactment³².

In the mid-1980s, Ghana began implementing International Monetary Fund (IMF) and World Bank-backed Structural Adjustment Programs (SAPs) in an effort to nurture private sector growth as well as attract foreign capital. Improving land registration was seen as essential to luring investment. Historically, one of the main obstacles to successful land registration reform was the lack of financial resources to support it. The World Bank and IMF were supporting this effort financially because land registration was considered an essential element of the SAPs. The

28. World Bank and the International Federation of Surveyors (FIG) (2010)

29. Agbosu, L., Awumbila, M., Dowuona-Hammond, C. and Tsikata, D. (2007)

30. Aryeetey, E. *et al.* (2007)

31. Agbosu, L. *et al.* (2007)

32. Agbosu, L. *et al.* (2007)

Land Title Registration Law of 1986, the government's first major land reform effort since the 1962 Land Registry Act, was thus passed to gratify the local and international business community³³. The objective of the act was to enhance title security by registering land titles, rather than focusing on transactions. However, implementation was slow, leading to the registration of less land than expected³⁴.

In 1999, Ghana embarked on another ambitious land reform process with the adoption of a National Land Policy. The policy aimed to strengthen land administration institutions and increase landholders' security of tenure. This was followed by the design and adoption of a 15 to 25 year project of land reform – the Land Administration Project (LAP) – with the support of the World Bank and other donors. The main aims of the LAP have much in common with other similar reforms in various African countries, such as the reform and strengthening of land administration institutions; the consolidation, harmonisation and updating of land legislation and the adjudication, titling and registration of individual and group land rights. The programme also aimed to strengthen land markets and make them more efficient and convenient for foreign investors with a view to securing foreign capital. Underpinning the land reforms were market liberalisation policies which have been implemented in various countries in the last two decades, initially under SAPs which then evolved into the more recent Poverty Reduction Strategy Papers (PRSPs). The LAP has been criticised for focusing on only a fraction of the issues identified by the National Land Policy, for taking an overly technocratic approach and for failing to fully address the challenges facing women³⁵.

LAP Phase I was criticised in particular for its overly technical approach to reforming the land sector and for failing to pay consistent attention to women's land rights issues in its implementation. This is partly because gender equity issues were not treated as an integral part of the project³⁶. The establishment of the Customary Land Secretariats (CLS) is a case in point. The guidelines for their establishment did not include provisions to ensure gender equity in the composition of the secretariats and their governance structures.

The implementation of LAP II, however, has paid greater attention to gender inequalities in the land governance system and incorporated a gender strategy. This has led to the gender sensitive selection of staff for technical trainings across land sector agencies, the collection of gender disaggregated data (previously non-existent) and engagement with chiefs, queen mothers and land management committees on women's participation in decision-making over land.

33. Agbosu, L. *et al.* (2007)

34. Ministry of Lands and Natural Resources (2011)

35. The Coalition on the Women's Manifesto for Ghana (2004)

36. Minkah-Premo, S. and Dowuona-Hammond, C. (2005)

Women and land governance

Across the developing world, rural women are among the most underprivileged members of society due to persistent gender-based discrimination in laws, customs and practices which cause formidable inequalities in their capacity to access and control land and other natural resources. This curbs their participation in land governance and decision-making processes from the household to local and national levels³⁷. The commoditization of land and the effect of globalization through unobstructed land markets have also had a disproportionate impact on women's land rights.³⁸ Although women represent 43 per cent of the agricultural workforce and produce more than half of the world's food³⁹, they are under-represented in land management and decision-making.

Women's lack of access to – and control over – land is a major contributor to poverty, particularly given the escalating feminisation of agriculture, and needs to be tackled in order to achieve sustainable poverty reduction. Laws governing property rights do not often give equal status to women, although the policy statements of almost all countries active in the land and natural resource sectors highlight the importance of women's access to land, and many countries also enshrine gender equality in their constitutions⁴⁰. The pattern is also seen in Ghana.

Land use in most parts of Ghana is dominated by small-holder farming. Agriculture tends to be household-based, rain-fed and employ hoes and machetes, although there has been a steady increase in the limited use of tractors and bullock ploughs to prepare land for planting. There are, however, some differences in the dominant systems of production in northern and southern Ghana. In the South, the more extensive commercialisation of land and agriculture has meant that sale, leases, and share contracts have become important ways to access land. In the North, land for smallholder agriculture has traditionally been acquired through settlement, inheritance and gifts – though the growing commoditisation of land in some areas has meant leases and share contracts are becoming more common. As has been the case in southern Ghana, this trend is eroding kinship-based land rights, including for women⁴¹.

Over the years, rapid population growth and urbanisation has increased pressure on land across Ghana⁴². Peri-urban areas, in particular, have witnessed important changes, with competing demands for residential and agricultural land occasionally sparking conflicts⁴³. The current pressures on land have also had adverse effects on the livelihoods of local communities.

37. Daley, E., Flower, C., Miggiano, L. and Pallas, S. (2013).

38. IFAD Learning Note

39. Daley, E. and Mi-young Park, C. (2011)

40. World Bank and the International Federation of Surveyors (FIG) (2010)

41. Apusigah, A. (2009); Awumbila, M. and Tsikata, D. (2010)

42. Codjoe, S. N. A. (2007)

43. Ubink, J. M. and Quan, J. F. (2008), p. 266; Wily, L. A. and Hammond, D. (2001)

There are no reliable statistics on rates of female and male ownership of land in Ghana. However, a recent, nationally representative study of the gender assets gap compared women's rates of land ownership across the country's ten regions. The study found that only 4.4 per cent of women in the Northern Region owned agricultural land, compared with 20.5 per cent in Ashanti and 18.6 per cent in both the Brong Ahafo and Western Regions, which have matrilineal inheritance systems⁴⁴.

Lineage systems are decisive factors in determining how land is inherited or obtained: women in patrilineal communities, for example, experience more difficulties in acquiring land than their matrilineal counterparts⁴⁵. However, there are differences between inheritance systems in patrilineal societies in the North and those in the South. For instance, while a girl child has little or no right to the properties of her father or mother in the North, a different situation prevails among the patrilineal Anlo of Southern Ghana. In this community, women are allowed to own property in their own right and they are able to bequeath that property to their own children and other relatives regardless of their sex⁴⁶. Even in matrilineal systems, women's access, control and ownership are frequently contested and male family heads are in charge of resolving questions over land ownership⁴⁷. It has been noted that whether a widow had children or not was an important factor in determining whether they retained full or only partial access to land⁴⁸. Women could also obtain land through gifts from their families or spouses, a practice associated with cash crop areas and matrilineal lineages. In cocoa-growing regions, studies have documented transfers of land from husbands to wives and vice versa in exchange for farm labour⁴⁹. Regardless of the lineage practices, marriage remains an important factor in determining women's access to land⁵⁰.

In northern Ghana, women's participation in the labour force is divided into two broad, culturally-sanctioned categories. In much of the Upper East and Upper West Regions, women are designated as farm hands, while in most of the Northern Region they are regarded as non-farm labour⁵¹. This duality in the farm system has profound implications for women's access to productive resources and their livelihood activities and outcomes⁵². In areas where women are considered to be non-farm labourers, their contributions to agricultural production are made in terms of cooking for male farmers and farm-hands or helping in a subordinate role in tasks such as planting, harvesting, transportation, processing, storage and the marketing of farm produce. The fact that women's contribution to farm productivity is seen

44. Oduro, A. D., Baah Boateng, W. and Boakye-Yiadom, L. (2011)

45. Duncan, B. A. (2010)

46. Dittoh, S. (2000) [Agricultural Land Use Arrangements and Derived Rights for Gaining Access to Farm Land in Northern Ghana](#). London, IIED/GRET, cited in Britwum, A. O., Tsikata, D., Akorsu, A. D., Aberese, M. A. (2014)

47. Rüniger, M. (2006)

48. Duncan, B. A. (2004)

49. Duncan, B. A. (2010)

50. Duncan, B. A. (2010)

51. Apusigah, A. (2009)

52. Tsikata, D. and Yaro, J. (2013)

largely in terms of their reproductive role serves to both normalise and justify gender discrimination in access to land and productive resources, and discourage women from undertaking independent farming activities⁵³.

Some observers argue that the situation for women is better than in many other African countries because some customary systems permit daughters to inherit land⁵⁴. However, wealth distribution is significantly gendered in Ghana; biased in favour of males in both urban and rural areas⁵⁵. A national survey undertaken in 2010 to examine gaps in asset ownership found that men are the only owners of land and/or the place of residence in a large proportion of households that own such assets⁵⁶. The survey found that even women who are asset owners “do not have the same extent of control over their assets”. For example, they are more likely than men not to have rights to the assets, “either because someone else has the right or because it cannot be sold, bequeathed or used as collateral”⁵⁷.

Apart from cultural practices governing inheritance and marriage, women’s access to land is hampered by factors such as the availability of land and the types of production arrangements⁵⁸. While land rental or sharecropping schemes may provide alternative ways of gaining access to land, they have been shown to be discriminatory, and security of tenure is often weak. In some cases, these arrangements may even lead to women becoming impoverished; for instance, land owners might suddenly demand a significant share of the produce as payment⁵⁹ or unilaterally alter the terms of a sharecropping agreement⁶⁰. Even within households, women may not be able to fully develop their own fields due to gender-biased constraints such as their obligation to perform chores and provide assistance to their husbands’ farming activities. The implementation of existing legislation aimed at promoting and protecting women’s rights has been patchy due to “strong cultural impediments” and inherent limitations in the legislation itself⁶¹. However, studies have shown that land policy reforms – when closely coordinated with steps to empower civil society and boost the role of poor men and women in decision-making – can contribute more fully to poverty reduction and sustainable development⁶².

53. Apusigah, A. (2009)

54. Wily, L. A. and Hammond, D. (2001)

55. Oduro, A. D. *et al.* (2011), p. 41.

56. Oduro, A. D. *et al.* (2011), p. 37

57. Oduro, A. D. *et al.* (2011), p. 53

58. Minkah-Premo, S. and Dowuona-Hammond C. (2005)

59. Minkah-Premo, S. and Dowuona-Hammond C. (2005)

60. Duncan, B. A. (2004)

61. Ghana Joint Assistance Strategy (2007); Aryeetey, E. *et al.* (2007)

62. World Bank and the International Federation of Surveyors (FIG) (2010)

2. Key Findings

~~This section presents the key findings of the study.~~

Gender-equitable land governance: the roadblocks

Socio-cultural norms play major roles in shaping the ways in which women and men relate to natural resources, especially land. In the communities visited, narratives around resource management and power relations were mainly circumscribed by cultural and religious norms, albeit with regional variations. During both focus group discussions (FGDs) and interview sessions, participants often used proverbs to demonstrate the way in which cultural values limit women's participation and access to resources. For example, a popular saying in Dagbani – "*Odala oshodia*" – suggests that when a married woman gives birth to a girl, she is continuing the lineage of another household. This phrase reflects the way a woman's status is arbitrarily defined by her role in culturally-sanctioned property relations. On the other hand, a woman who gives birth to a boy is held in high esteem because she is considered to be increasing the size of her husband's family. She would therefore be more likely to enjoy uninhibited access to land than counterparts with female children. This practice, common in many patrilineal African societies, mediates property relations between women and men, girls and boys⁶³. Although women can lay claim to land owned by their husbands, fathers and other male relations, their rights are often restricted to access, rather than ownership⁶⁴. Such customary practices make it much more difficult to achieve gender equality in land governance and management. However, the impact is not uniform, and it emerged during the study that husbands often preferred to bequeath land to their daughters rather than their wives, who they feared might transfer such lands to their own lineages in the event of a divorce.

Another prominent practice serves to reinforce the dominant role of men in acquiring property, especially land: in some cases, women can only acquire property such as land or cattle with the support of a male relative, whose name will be used on relevant documents. Interviewees argued that women had to enlist the help of men in navigating legal formalities because of their low level of literacy. However, many project participants believe that women are sometimes short changed by such informal intermediary processes. Sarah Antwi-Boasiako of LAP's Social Development and Gender Unit highlighted this problem by sharing experiences from the LAP's roadshows, saying:

63. Joireman, S. F. (2006)

64. Yngstorm, I. (2002)

"We (LAP) had a programme for some queen mothers in one of the regions. At the event, one of the queen mothers said that she had had a plot and had wanted to lease it. She engaged a liaison (male) to go and prepare the documents. The queen mother was leasing 10 acres of land. When the documents were brought to her, she could not read and so she gave them to a third party to read and translate so she could understand what the document entailed before signing. She said the liaison had inserted a '1' in the '10', and so the document read '110 acres' instead of '10 acres'. Imagine if she hadn't asked anybody to read it – she would have signed away 110 acres instead of 10 acres. Imagine if she had gone to school – the liaison would not have dreamt of defrauding her." (Interview, Sarah Antwi-Boasiako, LAP, Accra, 10 May 2015)

This experience demonstrates the importance of women's literacy and how it can help them avoid being misrepresented.

In many of these communities, land acquisition processes are structured in such a way that a purchaser must first approach a man who already owns land. In Wamale, for example, custom dictates that somebody wishing to obtain land from a chief must be presented to him by an existing title holder – who will almost always be a man. Participants in FGDs feared that because men may feel threatened by the prospect of women's economic empowerment, especially when a woman is working on her own account, they may block their attempts to acquire private property. There is also a widespread perception that the idea of women owning land or other land-based property on their own account is an inflammatory issue and a major cause of divorce. Many women would prefer to register land in the name of a male relative, or forsake their ambitions to acquire property altogether, than risk the breakup of their families. Many participants believed that accusations of witchcraft were sometimes used to force women into submission and to silence their attempts to demand accountability.

Religion has also been used to constrain women's participation in local decision-making, with Islam and Christianity both perceived as important shapers of the norms governing women's behaviour. During FGDs, participants identified a verse in the Koran admonishing women not to raise their voices as a major factor in hampering their participation, particularly because public meetings are often full-throated affairs. A similar strand was identified in Christianity, which was regarded as sanctifying male leadership of families. A queen mother in one of the communities notably justified women's exclusion from a Community Land Committee by saying that the Bible had ordained men as household heads and community leaders.

The sale of land for residential purposes and changes in land use have also been identified as major threats to women's equal participation in governance structures. A queen mother in one of the towns emphasised the way women had been marginalised as transactions had become increasingly commercialised, saying: "*My chief never calls me until there is a problem or we have to go to court to defend the land that belongs to us. If they are selling, they don't consult us. They share*

the revenue without consulting us.” (Interview, queen mother, Community A, 17 May 2015) Many participants attributed arbitrary land sales to the fact that owners were looking to cash in on rapidly rising prices, making it harder for women to obtain land and in some cases prompting them to abandon farming altogether. Many other women have become squatters on lands they previously cultivated but which have been sold for residential purposes. For women in the Northern Region, who have traditionally maintained vegetable gardens near their residences, farming has become more difficult since they now have to travel longer distances to their plots. Participants tended to blame the acquisition of land for residential purposes on migrants from Ghana's cities.

It is important to note that while communities described living for many decades alongside migrants who cultivated the land and integrated into communities, the current wave of migration onto community farmland is seen as fundamentally different. All the communities studied confirmed that in the past, agricultural lands allocated to migrants were not eligible for registration and were granted on “reversionary” terms – meaning that once a migrant had no more use for the land, it would revert to community ownership. Therefore, a migrant could only use an agricultural plot for as long as he or she lived in the community, a process which encouraged assimilation. The current pattern of land acquisition is distinct. The buyers are mainly people who neither live nor work in the community, and many have invested in anticipation of rising prices. Instead of being “reversionary”, such leases are granted for long durations (e.g. 99 years). In many cases, occupants – especially settler farmers – are not informed before such lands are sold, making the acquisition process less than transparent. There is, however, a clearly observable division within communities over how people feel about these developments. While traditional leaders hailed the sale of land for construction purposes because they want their communities to “develop”, participants in the FGDs felt the sales had eroded their livelihoods and made households less food secure.

Land acquisition for agricultural purposes was discussed mainly from two perspectives: the size of plots and changes in their use. Many participants expressed concerns over the size of the tracts that are going up for sale and their use for what they call “strange crops” – mainly fruit or tree crops. Many women were worried that these trends were affecting food security in their communities. They also have implications for accountability because in many cases women do not participate in the negotiations preceding land transactions.

Women's participation in land governance: emerging approaches

Women's participation in land committees

Although community approaches to land governance and management have largely been dictated by cultural norms, they have also begun to incorporate modern structures within traditional governance systems. All four communities where in-depth interviews and FGDs were held had local land governance platforms alongside their traditional land governance institutions. Three of the four communities (Dodowa, Apemenim and Wamale) have active land committees (LCs) which make decisions on issues related to land management and the allocation of land to prospective buyers. They also serve an advisory role for chiefs. However, women's participation in these land governance structures at the local level is fraught with socio-cultural limitations. Apart from the Nantong area, which has active female participants on its LC, Dodowa and Apemenim had no women on their LC.

The variation in female participation in local land governance committees is partly a reflection of the different ways in which they are formed. The creation of the Community Land Development Committee (CLDC) in Wamale was led by GSF. The structure underpinned the larger goal of establishing gender equality in natural resource management. It was anchored in community dialogues which explored religious, cultural and constitutional avenues for permitting the inclusion of women in decision-making. The other two governance committees were formed within the context of the patriarchal structures which traditionally govern natural resource management at the local level. In Bawjiase, although there is no known land committee, MiDA/COLANDEF's land titling project featured a community forum which provided avenues for both men and women to participate in land-related discussions, although these community processes did not continue beyond the life of the project. However, the fact the forum did thrive for a time suggests that communities could move towards a more gender inclusive form of participation in community land governance at the local level if the benefits are clearly articulated.

A key issue that emerged during the formation of community land governance institutions is the almost complete absence of queen mothers in such structures, especially in Dodowa and Apemenim. However, in Wamale the *Magazia* – or local women's leader – was a significant and active member of the CLDC. Although the queen mothers' roles have generally focused on marital and domestic issues rather than land governance, female leaders in Wamale broadened their remit to cover livelihoods, which includes land and housing, as a result of participating in the GSF project. These expanded horizons have helped them to better articulate women's concerns over land.

Specificities of matrilineal societies

The discourse in the academic literature suggests that women in matrilineal inheritance systems have greater access to land than counterparts in patrilineal societies. For example, some scholars found that women in matrilineal societies have a wider portfolio of options for gaining access to land after marriage, including through brothers, uncles, fathers and even inter-vivo transfers from husbands⁶⁵. However, other researchers have drawn a distinction between access and control, arguing that while a matrilineal system of inheritance may offer a wider space for women in terms of land access, it is the lineage head, or *Abusuapanyin*, always male, who is the ultimate custodian of family land⁶⁶.

The debate over control manifested in various forms in Bawjiase and Apemenim, where the study found that the matrilineal inheritance system has begun to erode due to the increasing concentration of land ownership – spurred by the development of land markets – which has reduced the amount available for allocation. Another notable trend studied in the matrilineal societies was the increasing rate of father-to-daughter land transfer. FGD participants argue that fathers have taken advantage of the land markets to acquire private land which they then bequeath to their children, sons and daughters alike. The main reason for moving away from family-based patterns of ownership is to avoid conflict and ensure security of tenure for the children. Many participants hailed the father-to-daughter land transfers, which they have attributed to the Intestate Succession (PNDCL 111) of 1985. However, others maintained that such father-to-daughter transfers were quietly being practised even before the law was passed.

That notwithstanding, participants in matrilineal communities and those in Dodowa expressed more optimism over the law's potential to protect women than those in Wamale. However, while the evolution of private patterns of property ownership has created new opportunities for some daughters, the same process has deprived wives of customary access. The acceptance and application of the PNDCL 111 has largely been shaped by existing cultural practices, and widows in matrilineal societies were better protected than their counterparts in patrilineal societies⁶⁷. This has been attributed to tradition and culture rather than the PNDCL 111. The question remains: how to reconcile customary practice with modern land titling regimes? The problem with much of the research on land and agricultural laws and policies in Africa is that it treats women as if they were a unitary category. The study found, however, that changing dynamics over land affected different women in different ways, particularly when it came to their ability to hold decision-makers to account. For example, many research participants acknowledged that the evolution of land relations in the direction of private property has prompted an increasing number of fathers to give land to their children – including their daughters. However, it is important to recognise that this trend might serve primarily to grant

65. Duncan, B. A. (2009)

66. Britwum, A. O. *et al.* (2014)

67. Kutsoati, E. and Morck, R. (2012)

women more access and control over land without necessarily increasing their say over stewardship.

Legal awareness

Knowledge of the PNDCL 111 (Intestate Succession Law) at the local level is quite developed in Bawjiase, Apemenim and Dodowa. In these places, both male and female participants recounted examples from their communities of how the law had been used to solve a problem. It also emerged during discussions with women who had titles to their lands that they aimed to bequeath them to their children. This notwithstanding, communities must be educated on the proposed amendment to the PNDCL 111 and the implications it may have for them. This is particularly important because, while women were generally able to articulate the basic provisions of the law, they tended to interpret its implications for them from their position as daughters rather than wives. The law will, however, have different implications for each of these roles. It will also be important to carefully navigate the local cultural context when implementing PNDCL 111. For example, the study found a widespread belief in communities that women could only inherit from women and men only inherit from men – reflecting a view that women's property was the equivalent to female clothing, and therefore only appropriate for females to inherit. Such a belief is clearly contrary to PNDCL 111 but reflects deep-rooted cultural norms.

Land registration

The study also found growing evidence that women are increasingly registering their land. In two communities, registration was central to both projects. In the Greater Accra Region, chiefs recounted how urban-dwelling women were also documenting their holdings and emerging as land owners in their own right. However, a great disparity still exists between the number of men and women who registered their land. In 2014, for example, while 308 men registered their land, only 105 women did so. In the Northern Region, the numbers were 123 males compared to 9 females. In all regions, individual registration is the norm (see Table 1).

In 2013, a total of 4,920 males as against 1,796 females registered their land across the country. In 2014, joint registration was 918, a marginal increase over the 2013 figure of 898 (Table 2).

Table 1. Number of land documents registered in 2014, disaggregated by gender and region

	Ashanti	Brong Ahafo	Central	Eastern	Northern	Upper East	Upper West	Volta	Western	Total
Female	105	28	372	433	9	93	150	235	221	1,646
Male	308	119	1,028	1,035	123	323	689	759	638	5,022
Joint	81	24	211	267		28	34	101	152	898
Institution	60	37	260	186	35	60	53	121	146	958
Unidentified category	1			8			4	4	4	21
Grand total	555	208	1,871	1,929	167	504	930	1,220	1,161	8,545

Source: Land Administration Project (2015)



Table 2. Number of land documents registered in 2013 (quarterly)

	1st quarter	2nd quarter	3rd quarter	4th quarter	Total
Male	1,439	1,395	986	1,100	4,920
Female	484	574	336	402	1,796
Institution	267	214	177	201	859
Joint	252	265	172	229	918
Total	2,442	2,448	1,671	1,932	8,493

Source: Land Administration Project (2015)

In the arena of law and women's property rights, parliament is deliberating over a draft Property Rights of Spouses Bill (PRSB) – which would govern the division of property after divorce – and an amendment to the Intestate Succession Law (PNDCL 111, 1985) proposed by women's advocacy groups such as LAWA Ghana. LAWA's president gave an explanation of the need for the PRSB and Intestate Succession Amendment Bill (see Box 4).

Box 4. Property rights of Spouses Bill and amendment to Intestate Succession Law: the urgency

“At the moment, the PNDCL 111 of 1985 does not talk about properties which are jointly owned; that is why the two bills – the Property Rights of Spouses Bill (PRSB) and the Intestate Succession Law Amendment – are in parliament together. You will realise that if a woman is going to get any automatic share of what her and her husband acquired, then it should also be reflected in the Intestate Succession Law. The Property Rights of Spouses Bill will apply when there is a divorce and the Intestate Succession Law will apply when a person dies.

So it ~~(((the PRSB)))~~ indicates that before any distribution is done, if the woman is a co-owner with the husband, she is entitled to 50 per cent before the sharing begins.

Article 22 of the Constitution talks about property rights at death first; making sure there is equity when it comes to the sharing of property. Spouses should benefit from each other's property before it goes to Property Rights within marriage dissolution. The problem we are facing with the PRSB is the argument about morality, especially where cohabitation is mentioned. But you and I know that many of our parents have lived together without necessarily going through the conventional marriage procedures. The challenge we have now is how to define marriage in our context to suit the current situation.”

(Sheila Minkah-Premo. Apex Law Consult/LAWA. Interview, Accra, 18 May 2015)

The Land Administration Project's gender strategy

At the national level, it is worth noting the gender strategy of the Land Administration Project (LAP). It is a long-term programme to reform land administration processes in Ghana, funded by the World Bank. Phase I of the project started in 2003 and ended in 2011. Phase II, which is currently being implemented, aims to streamline the land administration system and also to bring some level of transparency, accountability and efficiency into the management of land and its administration in the country.

The LAP has developed a gender strategy, which includes an attempt to challenge the near absolute male-domination of land administration institutions by gender mainstreaming recruitment processes. At the local level, the LAP has negotiated agreements with traditional male leaders to include women in meetings held in their communities. Consultative processes were held with traditional female leaders in an effort to include them in national dialogues on land. Also, the LAP has held gender training for land institutions and all land sector agencies have gender focal persons. The project is also pushing for the creation of the first ever gender desk at the Lands Commission. LAP, in its implementation programmes, has chalked up successes with its gender strategy, as explained by Sarah Antwi-Boasiako of the Social Development and Gender Unit (see Box 4).

Box 4. Interview with Sarah Antwi-Boasiako, 19 May 2015, Accra

1. Negotiation with male traditional rulers


"We (LAP) had to negotiate with men for the inclusion of women in meetings at the local level. I remember, in one of the regions, they parked the women somewhere and we realised that there is no way they could even see what we were presenting so we had to renegotiate for them to come forward. It's a jaw-jaw thing but we needed to do that for them. But now it has worked better; they (men) have now understood and in most of our discussions they invite women. When we send letters we indicate that women should be part of the discussion and they bring them along."

2. Creating a platform for traditional female leaders

"The project recently had a capacity-building event for some 50 paramount queen mothers – because we understood that the government was making preparations to incorporate the traditional female leadership position into the National House of Chiefs. So we thought it was an opportunity to equip them to understand the legal issues on land; the constitutional provisions on land and even on chieftaincy. So that they will have that confidence and the understanding to contribute effectively on land issues. This is because the majority of the policies we have here were done in consultation with the House of Chiefs. We realised that there is an opportunity for women to build their capacity so that when they go to the House of Chiefs and some of these documents are coming for review, at least they will also see it from a woman's perspective and


argue their cases out and have some inputs into those documents. This project does a lot of consultation because we know that if they (the traditional female leaders) do not understand the issues, they cannot contribute effectively in the House. So we wanted to create that kind of safe space for them to share their views and for us to also equip them. So we have created that forum for them to also express their views on the project and tell us some of the innovations we can do to improve upon land administration. I will say it was a very good forum. Some of them have been part of our programs in the past with the Regional Houses of Chiefs, but we realised that our culture is also not helping us a lot. This is because even in some of those gatherings, we observe that it's the vocal and powerful ones who talk. In the majority of the Divisional Houses of Chiefs, queen mothers don't really talk, probably because their paramount chiefs are around bringing about the hierarchy issues. That is why we hold separate events for them sometimes."

3. Gender training for land personnel in land institutions



"The gender mainstreaming is under its fourth component, which focuses on human resource capacity building. As part of the initiatives under the project, a human resource capacity assessment was carried out in 2013. The exercise identified some critical training needs of the land sector. Gender training was one of them. As part of our gender mainstreaming initiatives, we are building the capacity of the agencies to understand gender issues to facilitate the mainstreaming process. As part of the reforms, some women have also benefited from some technical training, which hitherto was male dominated. This is to build them up to participate in decision-making, especially in technical areas that require expertise. This project has made us realise that we need to involve women as change agents themselves alongside the men."

4. Pushing for women's representation in land governance institutions



"At the formal level (land sector agencies), we realised that we have a lot of our males in leadership positions. If you take the National Lands Commission, for example, the management both current and previous was/is dominated by male heads. We have four divisions under the Lands Commission, namely the Land Valuation Division, the Survey and Mapping Division, the Land Title Registration Division and what used to be the former Lands Commission, which is now the Public Vested Lands Management Division. All these divisions were headed by males except the Land Title Registration Division (LRD), which was headed by a female. When the position of the Director of LRD became vacant, it was filled by an equally qualified and competent woman. This forms part of the reforms of the Commission to ensure that females are also represented in their decision-making bodies.

~~At the National Lands Commission level, such reforms have not been possible because membership as mandated by Articles 256 and 261 of the 1992 Constitution is by institutional representation. So if, at that point, that head or his or her representative is a female, automatically, he/she becomes part of the Commission's body but if it's a male, then automatically the male becomes part (((sentence is a bit unclear, could we clarify?))). That is where we have a challenge."~~

Lessons from COLANDEF's land titling programme

In 2005, the Parliament of Ghana included the Awutu Senya area in the country's land registration zone. This enabled the Millennium Development Authority to execute its Agricultural Productivity and Rural Development Project (APRDP), in which systematic land titling is a key component. The main aim of the Land Titling Programme was to improve land security for existing users and to facilitate access to land for agriculture and investment. In the run-up to the start of the project, a comprehensive community dialogue process was established to help people gauge whether to participate and to deepen their understanding of legal and customary laws governing land and related administrative procedures. The dialogue also featured a gender component to ensure that women were included in the sensitisation activities. Once it got underway, the project helped communities to demarcate boundaries and settle boundary disputes. It also set up a database of land users and their holdings which was verified by the community. The centrepiece of the project was the registration of customary land holdings and the adjudication and/or regularisation of land rights in various communities in the Awutu Senya area. COLANDEF was involved in executing the land titling component of the project. Research in the communities identified various customary rights and interests in allodial titles, customary freeholds (usufructs), leaseholds, sharecropping arrangements (*abusa* and *abunu*) and renting (*akofie*). Sharecropping arrangements appear to have given way to renting in many parts of the areas where the programme successfully registered land in accordance with the Registration Law, PNDCL 152.⁶⁸

The gender component ensured that both men and women benefitted from the information campaign and education on land governance laws, as set out in the Constitution. Both men and women whose lands fell within the registration zone had their lands registered. As far as individual land registration was concerned, more women registered land for housing than they did for agricultural production. This was because residential land was purchased by women in their own right, but they often leased farmland, through either sharecropping or rental systems. Others were allocated farmland by their family, husband or via inheritance. However, it was clear from the interviews that many of the women who took advantage of the programme had been widowed, divorced or never married. While married women were represented by their husbands, women who were not in any conjugal union represented themselves. The researchers noted that evolutionary theories that inform discussions on the formalisation of land tenure do not tend to explicitly recognise women in their role as wives, instead lumping them together as household members who will enjoy the advantages that accompany land registration by their husbands.⁶⁹ This is an example of how women's land-based activities tend to be overlooked in academic research, which can muddle discussion of the benefits such programmes may have for them.

68. See <http://colandefgh.com/projects/> for details on the projects.

69. Yngstrom, I. (2002)

Case 1. Agnes Tengey: “I can now defend my land against encroachers.”

Agnes Tengey, 45, is a migrant from the Volta Region of Ghana who has resided for the past 20 years in Papasi, in the Awutu Senya District of the Central Region. She is a divorcee and farms maize and cassava. Her total farm size is 2 acres, located in four different areas of the community. She acquired the lands through yearly rental tenurial arrangements. In the past, sharecropping was her main means of land acquisition, but this changed gradually when the wide community gradually switched to yearly rental land tenure practices. She thinks there are many advantages in yearly rental relative to sharecropping, which she thinks was exploitative and left farmers with less produce to sell. In recent years, Agnes has witnessed the return of the sharecropping system. In her view, the increasing commercialisation of land has meant that landowners have preferred to keep their land while deriving livelihoods from its cultivation, which has caused scarcity and deprived many people of their livelihoods.

Agnes also has two plots of housing land which she purchased from the chief of the community. She bought the first plot while she was still married. Her husband led the process and made the payments on her behalf. She initiated the process for the acquisition of the second plot by herself since she was divorced.

About four years ago, when Agnes' area in Papasi was declared land title registerable, she took advantage of the opportunity to register her land. Through her participation in community meetings prior to the rollout of the project, Agnes was aware that her farmland could neither be registered nor could it be passed on to her children. However, she knows that she could bequeath her registered housing plots, which she purchased, to her children, or even sell them with no hindrance. She spent about GHS 300 (about \$ 75) on the whole process of measuring, surveying and registration. She thinks the chief's commitment to the project made it successful. She is happy about the programme because she has secured the land for her children, and thinks the land titling has helped women not only to secure lands they have acquired but also defend them from male predators. The process has equipped her with knowledge of land administration and legal processes of which she was hitherto unaware.

In the registration of a usufructuary interest, only one person is identified as the title holder. The study found that many women conformed to traditional practices and patriarchal notions of leadership and therefore cooperated with male relatives to ensure the title holder was a man, based on the understanding that he would work in the interest of the entire family. It has emerged from discussions with some beneficiaries of the programme, and even in FGDs, that women fear land litigation and therefore would prefer males to take responsibility for defending their land titles in the courts. Such concerns often had a spiritual dimension, with women fearing they could die from curses laid by their opponents in land disputes.

Discussions held with the beneficiaries revealed that the project had a complex series of implications, particularly for women. Female participants generally benefited from securing their residential land, but the registration of farmland had more ambiguous effects. In the latter cases, many women who had weaker land rights – such as through yearly rental or sharecropping schemes – were

Case 2. Comfort Ocloo: "I believe my brother will uphold our interest in the land."

Comfort Ocloo, 41, is a farmer at Papasi (Awutu Senya District, Central Region). She is divorced and has four children. She is a life-long migrant to the area. Her parents were Togolese. When her father first settled in the area several years ago, the chiefs gave him some land, which he used for farming and housing. When Ocloo's father died, the chiefs decided to give the family the land to use since they had been considered part of the community, but only their residential land could be registered. Ocloo has two older brothers. Although all three contributed money towards the processing of the land title documents, only her elder brother has his name on the land document, which is yet to be shown to them. Ocloo is very confident that her brother will act in the interest of the family and supported the decision to have his name on the document. She knows tradition dictates that men should be at the forefront of such serious issues and that her brother can defend the property in case of litigation.

able to increase their security of tenure to a certain extent by converting mainly undocumented oral grants into written form; however, in land governed by allodial or usufructuary arrangements, the title holders were mainly men, and land registration in these cases appears to have reinforced male-dominated power structures, with the title certificates of family lands bearing only male signatures and names. The result is a hierarchy of security, with women generally holding weaker forms of entitlement to land than men. This unintended outcome runs the risk of exacerbating women's difficulties in winning access to – and control of – land in the future, especially given that women fear they may face death threats if they push harder for stronger land rights. But if only male names remain on the certificates, then familiar patterns of male-dominated power relations and client-patron relationships are liable to continue playing out on family-owned land.

In terms of scalability, the community engagement aspect of COLANDEF's project could be replicated. Its consultation processes exposed the community to gender issues and the pertinence of women's land rights and access, while also creating an avenue for traditional authorities to reflect on issues around women's participation in land governance platforms. The community meetings also enhanced women's knowledge of land laws and administration. As to the technical issues around land registration, the project could be implemented in areas with deed registration since many areas in Ghana do not yet qualify for registration with titles.

However, one caveat needs to be addressed: the project's tendency to entrench traditional landholding norms in which males hold the title to family lands.

It should be noted that the MiDA project proceeded in accordance with evolutionary property theories that predict titling and formalisation will spur economic growth⁷⁰. However, the implications of this formalisation for women were not unambiguously positive. Only women who already held land could register it, which

70. Platteau, J. (2000)

meant the scheme did little to help landless women. In addition, participants noted that the expansion of titling also served to facilitate "migrant acquisitions" by buyers from outside the community seeking land for housing and investment in "strange crops". Many participants believed that this new source of outside demand encouraged landlords to demand higher rents from local farmers and lean towards yearly tenancies instead of the traditionally more common *abunu* and *abusa* systems. While narratives around the interplay between agricultural developmental and customary land practices have emphasised the importance of titling, it appears that formalising customary practices without holistically including all types of tenancies could lead to significant negative consequences for women in agrarian communities by entrenching patterns of male-domination in land ownership. Women may have benefited to a degree by formalising their year-long tenancy agreements, but they made little headway in gaining more secure forms of land rights to put them on a par with men. It is therefore not surprising that researchers are divided over the implications of land titling for women's participation in land governance structures, especially where titling promotes private property over communal land use. For example, Doss *et al.* (2014) argue that women's interests are often confused with those of men in discussions over agricultural modernisation and the formalisation of land⁷¹.

These debates are particularly pertinent for the project, which undoubtedly increased women's voices in community land governance platforms, but also had the unintended consequence of fundamentally changing their tenancy regimes. While the larger goal of the titling project was to improve the security of tenure of agricultural land, there is little evidence to suggest that smallholder agriculture, which is heavily dominated by women, has really benefitted. Instead, the project spurred two types of land acquisitions. Firstly, the goal of increasing agricultural investments in the area led to an intensification of large-scale acquisitions of farmland. Secondly, the increased opportunities to obtain land securely encouraged urban dwellers to buy agricultural land for residential construction. Both these types of acquisitions have fuelled "land banking" and a concentration of ownership among wealthier landowners. In broader terms, interviews revealed that the titling programme had allowed women to secure their housing plots, but not their agricultural land. This is because the lands they use for farming are mainly yearly rentals and therefore not eligible to be registered in their names since under such arrangements the landowner retains the title. It is also important to note that many of the women who did manage to register their lands were unmarried.

Before replicating the programme in its entirety, it would be important to assess the potential impacts on the security of land tenure for various categories of women.

71. Doss, C. *et al.* (2014)

Lessons from the Grassroots Sisterhood Foundation Mwananchi Project

Although the Mwananchi Project's objective was to help women acquire lands to enhance their livelihoods, its initial strategy aimed to help chiefs in the Nantong area to secure their lands, mindful of the potential for commercialisation and urbanisation afforded by the district's proximity to Tamale. This strategy helped to build alliances with males, an essential first step given the kinds of attitudes expressed in the common saying "*Kanye gu zu*", which literally means "Men will stifle women if they are not part of a change process". The strategy was facilitated through the activation of an existing women's group and female leadership in the project areas. The project was anchored in community dialogues with traditional leaders exploring cultural, religious and constitutional resources (see Table 3) supporting the right of women to access productive resources. The dialogues were based on excavating existing but latent cultural and religious codes. While many argue that customary practices create gender inequality⁷², some researchers insist that there are cultural avenues which – if explored – could give women greater opportunities in community and land governance issues. Building on these ideas, GSF's initiative has paid off by reactivating seemingly remote or dormant cultural practices that have granted women more voice than they had imagined possible – a compelling way of engaging society's traditional torchbearers.

Table 3. Evidence on women's resource access in the Nantong area (three sources)

Source	Evidence
Tradition	No traditional law in the area barred women from acquiring lands for cultivation First clearance and user rights practices are gender neutral
Religion (Islam)	Koran grants property rights to women
Constitution	Intestate Succession (PNDC 111) of 1985 and other constitutional provisions on gender equality

Source: Interview with Fatima Alhassan (2015)

As demonstrated by Cases 3 and 4, the project also organised women to collectively negotiate with the chief over the allocation of virgin land. It was better for women to do this collectively since individuals often encountered constraints in negotiating the various layers of bureaucracy surrounding the chief. For women, obtaining their husband's consent was often the first step before any further

72. Ossome, L. (2014)

progress could be made. Women in group negotiations are not asked to bring their husbands, which makes the process faster.

The programme has also increased women's voices in community land stewardship through their involvement in the Community Land Development Committee (CLDC). The beneficiaries of this innovation have identified a plethora of benefits from the various activities in the community as a result of the project.⁷³

Table 4. Summary of benefits from the Mwananchi Project

Before	After
Women were excluded from community land administration	Women are active members of the Community Land Council
Women were unaware of traditions which permit them to acquire virgin lands	Increased knowledge of traditional practices over land use and rights
Limited knowledge of the economic value of land	Knowledgeable in land markets and land values
Limited knowledge of boundary demarcations	Increased knowledge regarding the demarcation of their plots
Women hardly used their names on property documents	Women use their own names on the land documents

Source: Interviews with Mwananchi beneficiaries (2015)

Beneficiaries also mentioned other trickle-down effects of the programme. For example, the allocation of virgin lands led to increased yields. Women who have now secured land for housing reported engaging in backyard gardening for household consumption. Earnings from agriculture were also used to invest in other non-farming activities during off seasons. Cases 3 and 4 show how the beneficiaries link the past to the present in terms of the benefits they have derived from the project.

These cases demonstrate the multiple dimensions of the processes at work in the community and the programme's multifaceted way of tackling them, which includes technical, administrative and financial aspects. The reflections in Case 3 on the sustainability of the project are very pertinent as they have implications for future engagements on land issues in the community. For example, if women are allocated land but are unable to cultivate it, it could reinforce existing perceptions that they are not natural farmers and therefore undeserving of land.

73. See www.gsfgghana.org for details on the project.

Case 3. Amina: “It is an eye opener. I have transferred the knowledge to my children.”

Amina is a 56-year-old farmer and petty trader who is married with children. She cultivates soya beans, groundnuts, okra, pepper and rice. Through GSF's work in the area, she and nine other women went to one of the communities in which GSF operates to ask for virgin land for farming. Her group was led by the Magazia and two men. The chief granted their request and gave them the land. However, it had to be shared among the group members. Amina believes that when women go to the chief in a group for a conversation on land and other pertinent matters, the process is faster. ~~She also believes that since the farms are far away (((from each other, from the village... ?))), women will be able to work without fear of being attacked by a man or an animal if they consolidate their plots to enable them to work alongside each other.~~ Working closely together with other women also serves as a form of social support and a safety net.

Amina listed many benefits of the project, which included knowledge of the legal and economic aspects of land which she has shared with her children. For example, she told her children that if they have spare land and someone asks to buy it, they should not sell it. They should grant the person a shorter tenurial arrangement which they should document. Apart from the virgin land granted to her and her group, Amina had her housing land registered in her name, even though she is still married. She suggests that allocating virgin land to women is not enough if they do not have the finances to clear them. The lack of finance, she warns, could extinguish any interest they may have in the land and consequently dissipate the confidence the traditional authority may have had in them when he made the allocation.

Case 4. Mata Tia: “I will educate other women on land and they will weep!”

Mata Tia, an indigene of Wamale, is a 75-year-old widow with six children. She has no formal education. She is a trader who also processes rice and other food items. She used to be a farmer but lost her farmland through an arbitrary sale. When her husband died, she returned to her father's house. A few years later, her house collapsed and she went to the chief to beg for land for reconstruction. Her brother led her to the chief. She did not want her father's land because she wanted a house on her own plot, which she can bequeath to her children when she passes away. She lived in the house for many years without any land until the GSF's Mwananchi Project started. As a Magazia in the area, she took an active part in the process and became a member of the Community Land Committee. Through her participation, she was sensitised to land issues and general traditional issues pertaining to female leadership. She also got her land deeded. She thinks her knowledge on land governance is unmatched when compared to that of other women who did not participate in the project. She feels more secure, relieved and happy that her children will not have to suffer when she passes away. ~~event that she passes on. (((missing bit?)))~~

3. Recommendations

The study showed that there are active land committees (LCs) and other consultative platforms in all four communities. These are used as avenues for deliberation on community land governance issues. These LCs could be used to further women's involvement in land governance at the local level. They could also be used to engage traditional authorities on women's land rights and consequently push for changes in cultural practices which hinder women's participation in land governance institutions. These capacity development platforms must include sensitisation over regional and global land governance frameworks, such as the African Union's (AU) Framework and Guidelines on Land Policy in Africa, the Guiding Principles on Large Scale Land Based Investments in Africa, or the FAO's Voluntary Guidelines on land investments, and how these could be applied locally. To achieve this, men and women must be sensitised to understand the importance of their participation in the LCs. The youth must be encouraged to participate in these processes to enhance inter-generational knowledge transfers. These sensitisation programmes must be based on a systematic medium- to long-term capacity development plan. There should be an emphasis on the participation of female trainees who are motivated enough to fully participate in the LCs.

The absence of women on these committees has been explained in terms of their lack of financial incentives to participate. While there may be some truth in this, it is also the case that women sometimes stop participating in the LCs due to a lack of knowledge over land issues. The issue here is primarily one of participation, rather than pure representation: the mere addition of women to LCs will not have the necessary impact if they are not equipped with the relevant information on land rights, governance, administration and management. This information should not only be technical, but should extend to mining traditional knowledge systems which support women's leadership and access to resources, as was done in the GSF project, where women found that the culture itself did not forbid them from clearing land, which could grant them ownership rights. Apart from equipping women with knowledge, the timing and duration of meetings should be arranged in a way that takes their commitments into account, both inside and outside the household.

The absence of queen mothers in land governance must be given serious thought in considerations around female participation. Queen mothers and female leaders in communities must be encouraged to network with their counterparts in other parts of the country to create a stronger voice for female leadership positions. Some civil society organisations (CSOs), like CICOL, and projects like the LAP have already engaged with female leaders on various platforms to push for their inclusion in land governance institutions. Communiqués (yet to be published) were issued over critical issues such as the accountability of royalty payments and the inclusion of

traditional female leaders in national land consultation processes. These processes must be supported and sustained.

It is also vital to activate women's groups in communities, in particular farmers' and small-scale producers' associations. If such groups do not exist, women leaders could be prompted to form and lead such groups. It seems that it is often easier for women to collectively navigate the procedures needed to gain access to resources. In this vein, group participation could be promoted over individualism, especially when the authority of queen mothers themselves is often largely confined to the domestic sphere. Women in these groups should be encouraged to embrace a more expansive vision of the scope for individual and collective participation in community decision-making platforms. This should also be linked to building grass-roots networks of women's groups and leaders in other communities which are already working on similar issues.

To enhance women's participation in decision-making, lessons could be drawn from the GSF's approach of using cultural practices, tradition and the constitution to confront the multiple sources of discriminatory cultural practices which hinder women's access to community level processes. GSF's consultative processes were used to build alliances with committed males and traditional leaders who themselves were trained and educated in the importance of the involvement of women in land governance and management institutions at the local level. It is important to note that since the land question is a community-based one, approaches such as GSF's – which engaged the community itself to reflect on women's exclusion – can generate positive responses from everyone involved. Again, since GSF's engagement lasted longer and engaged the community on various issues, it was easier for male leaders to accept the changes that the initiative brought. The return to the *longue durée* approach presents opportunities to distill the genuine ingredients of local culture from the amorphous blend of unexamined religious and cultural assumptions that circumscribe women's lives.

4. Conclusion

Land is a critical resource, and therefore its administration and governance is fundamental to sustaining the livelihoods of all who rely on it. Sociocultural norms remain the primary determinant of participation in local level land governance practices. These values have meant that women are most often the group deemed to be unworthy of participating in land-related discussions. In addition to finding further evidence of these cultural barriers to women's participation in land governance at the local level, the study has identified emerging avenues through which greater women's participation can be addressed. The establishment of LCs and consultative forums with CSOs as leads, for instance, has been found to be an innovative way to promote gender-inclusive, equitable community land stewardship and downwards accountability in agricultural investments. These platforms provide ways to sensitise communities on women's land rights while at the same time lobbying for their inclusion in land governance institutions. However, women are much more likely to participate in these committees and engage in land titling and registration activities if they first learn more about the problems of gender equitable land governance and their land rights. The success of such sensitisation processes hinges on the inclusion of men who are able to reflect with women on the critical issues around women's land rights and access, and jointly devise solutions. Including men is also a way of highlighting the mutual benefits both men and women derive from joint decision-making. Such approaches tend to contribute to the gradual transformation of gender relations by allowing women to have a greater say on land, as well as increasing their degree of ownership and control while simultaneously strengthening land rights among men. They also serve to strengthen the degree of accountability for agricultural investments in communities among major stakeholders – whether they be traditional authorities, citizens, investors, CSOs or government.

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Appendix 4. Organisations and institutions in land administration and governance

Table 4. Civil society organisations in land in gender and land governance activities.

Region	Civil society organization	Activity	Contact
Ashanti	Land Resource Management Centre	Development of spousal land transfer tools	Mr Mark Kakraba Ampeh +233 208-11 1425 mkmpeh@goldstreetghana.com mkmpeh@yahoo.co.uk
Central	COLANDEF	Land titling and registration	Mrs Nana Ama Yirrah +233 208-139887 colandef@gmail.com
Greater Accra	Civil Society Coalition on Lands	Sensitisation of female leaders on land and other natural resource management related issues	Mr Richmond Antwi-Bediako 0244286927 cicolghana@gmail.com
	Apex Law Consult	Legal advocacy on women's land access.	Ms Sheila Minkah-Premo
	LAWA	Legal advocacy	
Northern	Grassroots Sisterhood Foundation	Advocating for women's participation in land governance at the local level	Fati Alhassan +233 244-772643 fathia.hassan@gmail.com

Table 5. Government institutions

Name	Unit/ Project	Activity
Ministry of Lands and Natural Resources		
Lands Commission	Land Administration Project Secretariat	Working with queen mothers and chiefs on new land processes Establishing gender desk at the Lands Commission Gender mainstreaming of land governance institutions in the country
Ministry of Food and Agriculture	Women in Agricultural Development	
Customary Land Secretariat		Documenting land acquisition processes

Title

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