



NETWORK FOR WOMEN'S RIGHTS IN GHANA (NETRIGHT)

Report of Desktop Study on Gender Equality and Social Inclusion Issues Relating to the Land Sector in Ghana



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DANIDA INTERNATIONAL
DEVELOPMENT COOPERATION

**REPORT OF DESKTOP STUDY
ON GENDER EQUALITY AND SOCIAL
INCLUSION ISSUES RELATING TO THE
LAND SECTOR IN GHANA**

SUBMITTED TO
NETRIGHT GHANA

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JULY 2018

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LIST OF ABBREVIATIONS

ACT	-	Act of Parliament
AEA	-	Agricultural Extension Agents
AIDS	-	Acquired Immune Deficiency Syndrome
ADR	-	Alternative Dispute Resolution
AMSEC	-	Agricultural Mechanised Services Centre
BMZ	-	Federal Ministry of Economic Cooperation and Development
COLANDEF	-	Community Land and Development Foundation
CEDAW	-	Convention on the Elimination of All Forms of Discrimination against Women
CHRAJ	-	Commission on Human Rights and Administrative Justice
CHRI	-	Commonwealth Human Rights Initiative
CLS	-	Customary Land Secretariats
CBOs	-	Community Based Organisations
CSOs	-	Civil Society Organisations
DAWS	-	Development and Women's Programme
FASDEP	-	Food and Agricultural Sector Development policy
FES	-	Friedrich Ebert Stiftung
FIDA	-	Federation of International Women Lawyers
GADS I	-	Gender and Agricultural Development Strategy I
GADSII	-	Gender and agricultural development Strategy II
GAASG	-	Gender Analysis of Agricultural Sector in Ghana
GESI	-	Gender and Social Inclusion
GLSS	-	Ghana Living Standards Survey
GOG	-	Government of Ghana
GSGDA	-	Ghana Shared Growth and Development Agenda
LAP	-	Land Administration Project
MCA	-	Millennium Challenge Account
MCC	-	Millennium Challenge Corporation
MiDA	-	Millennium Development Authority
METASIP	-	Medium Term Agricultural Sector Investment Plan
MLGRD	-	Ministry of Local Government and Rural Development
MOFA	-	Ministry of Food and Agriculture
MMDA	-	Metropolitan, Municipal and District Assemblies
MLNR	-	Ministry of Lands and Natural Resources
MoGCSP	-	Ministry of Gender Children and Social Protection

NETRIGHT	-	Network for Women's Rights
OHCHR	-	Office of the High Commissioner on Human Right
PLWHA	-	Persons Living with HIV/ AIDS
PWD	-	Persons with Disability
PNDCL	-	Provisional National Defence Council Law
SHAD	-	Smallholders Agricultural Development
SAP	-	Structural Adjustment Programme
UN	-	United Nations
WIAD	-	Women in Agricultural Development
WiLDAF	-	Women in Law and Development in Africa

ACKNOWLEDGEMENT

The Network for Women's Rights in Ghana (NETRIGHT) is grateful to all partners who made this research possible. It would like to thank Star Ghana for funding this study under the Gender and Social Inclusion Project which made this research possible.

NETRIGHT would like to thank the Consultant, Sheila Minkah-Premo, who undertook the research and prepared this report on its behalf with the support of research assistants.

Special thanks also go to its Project Advisory Committee members for their advice and review of study design and draft report as part of the implementation of the project.

NETRIGHT would also like to thank its partners LAWA (Ghana) Alumnae Incorporated and its Regional Focal Persons for their support.

Finally thanks goes to all its members, partners and participants who attended validation meetings to review the draft report.

EXECUTIVE SUMMARY

The Network for Women's Rights in Ghana (NETRIGHT) with funding from Star Ghana commissioned a consultant, Sheila Minkah-Premo, to undertake a desk review of literature on gender equality and social inclusion under the STAR-Ghana Gender and Social Inclusion (GESI) Strategic Partnership grant award. The project is intended to contribute to evidence-based advocacy for gender and social inclusion reforms in the land sector to protect livelihoods and land interest of especially rural farmers.

By the terms of reference for the assignment a review was undertaken of existing literature on gender and social inclusion issues around land governance in Ghana and a summary of such reports as well as challenges identified and proposals made to address the challenges. The assignment also included a review of the lineage and inheritance systems in Ghana and their implications for gender equality and social inclusion in the land sector. Furthermore it included identifying the gender and social inclusion gaps in the land sector and recommendations made to address the gaps. Finally the assignment involved proposing strategies to facilitate dialogue with relevant actors to secure and protect rural women's land rights.

The report is made up of six sections. It consists of an introduction and another section that looks at the scope of the desktop study and the methodology used. This is followed by the third section that presents findings on literature on gender and social inclusion with regard to land. The fourth section looks at reports on gender and land governance and recommendations from such reports. The fifth section presents an analysis of the findings and also looks at succession and inheritance issues and their implications for gender and social inclusion, gaps and recommendations to facilitate dialogue with relevant actors to protect rural women's rights. The sixth and final section concludes the report.

The literature revealed that there is discrimination based on gender and other vulnerabilities (including disability and other categories like youth and non-indigenes) in land governance in most communities in Ghana.

The study, however, focused on gender and persons with disability and land governance.

Some of the challenges identified in some of the literature reviewed included discriminatory practices including the exclusion of women in many communities. A number of strategies were adopted and piloted under the Land Administration Project (LAP) to try to address some of these problems including supporting customary land holding communities to set up Customary Land Secretariats, which were required to include women in its operations.

Existing literature also indicates that there is gender inequality when it comes to the acquisition of properties by women during marriage. Based on the requirements of Article 22 of the 1992 Constitution that calls for the enactment of legislation to address the issue, the Property Rights of Spouses Bill has been drafted to address the issue.

Women also face challenges in agriculture. Research undertaken has resulted in the development of the Gender and Agriculture Development Strategy (GADS) by the Ministry of Food and Agriculture where various strategies have been outlined to address the problems identified. GADS II has also been developed to recommend several strategies to address the problems which will particularly impact rural women in agriculture.

There are also problems with the inheritance rights of women in spite of the enactment of the Intestate Succession Law, 1985 (P.N.D.C.L. 111). Proposals have been made to improve this law by amending it to better protect the property rights of spouses and proposals have also been made for the review of the law to take into consideration agrarian situations to better protect the interest of rural women.

The need for gender mainstreaming in all projects impacting land has also been proposed as a way of addressing the challenges.

With regard to persons with disability and other vulnerable groups in land governance, the existing literature is limited and it has been

recommended that there was the need for more in-depth research on land governance and persons with disability and other vulnerable groups.

Some of the strategies proposed to facilitate dialogue with relevant actors to secure and protect rural women's land rights include lobbying and advocacy to enable appropriate laws and policies to address gender and other inequities in land governance to better the rights of rural women. Furthermore, the government through the Ministry of Lands and Natural Resources and other stakeholders should continue with the Land Administration Project to ensure that strategies and activities aimed at protecting women are followed up and made part and parcel of land administration in Ghana. There should be advocacy to ensure the full implementation of GADS II by the Ministry of Food and Agriculture. There is also the need to improve customary law rules on land in traditional areas and advocacy with traditional authorities including the various Houses of Chiefs to address gender and other inequities in land governance in Ghana.

Community based organisations should be strengthened as advocacy networks on land rights of vulnerable persons including undertaking more research to back advocacy.

1. INTRODUCTION

This is a summary of literature for the consultancy for 'A Desktop Study on Gender Equality and Social Inclusion Issues in Ghana.

The assignment was undertaken for the Network for Women's Rights in Ghana (NETRIGHT), which is a network of civil society organisations (CSOs) and individuals who have an interest in working together to bring a gender perspective to national processes as well as policy content and implementation.

1.1 Background

NETRIGHT in partnership with its regional focal points and LAWA (Ghana) Alumnae Incorporated (LAWA-Ghana) is implementing a 30 month project titled 'Addressing Systemic Barriers to Enhance Gender Equality and Social Inclusion in Land Governance' under the STAR-Ghana Gender and Social Inclusion (GESI) Strategic Partnership grant award. The project is intended to contribute to evidence-based advocacy for gender and social inclusion reforms in the land sector to protect livelihoods and land interest of especially rural farmers.

According to the *Collins Dictionary* "Social inclusion" is defined as "the act of making all groups of people within the society feel important and valued". It is also defined as "the provision of certain rights to all individuals and groups in society, such as employment, adequate housing, healthcare, education and training". Several categories of persons are subject to various forms of discrimination including women, persons with disability, the youth, children, the aged, people with different sexual orientation, and racial minorities among others.

The World Bank in its book titled *Inclusion Matters: The Foundation for Shared Prosperity* (2013) Washington DC, World Bank defines the concept of social inclusion as "the process of improving the ability, opportunity, and dignity of people disadvantaged on the basis of their identity, to take part in that society".

Land plays a central role in the livelihood of Ghanaians particularly for people living in the rural areas. Many rural people are smallholder farmers who undertake subsistence farming on small pieces of land which agriculture continues to play a major role in Ghana. The laws relating to land governance in Ghana, however, are plural in nature and this poses several challenges. Land tenure is governed by a mix of statutory and customary laws.

It is estimated that 80 percent of land in Ghana is held by various customary law means, 18 percent is vested lands and the remaining 2 percent State owned (Memorandum to the Land Bill, 2018). Apart from

the 1992 Constitution there are over one hundred and sixty (160) laws governing land and numerous customary laws regulate access to and ownership of land of various communities. Access to land is particularly challenging for women farmers.

Access to land is a key challenge for women farmers although it is a basic requirement for farming. The land tenure system in Ghana has structural and systemic challenges which have created gender and class inequalities. This is further compounded by traditional norms and customs which adversely impact women. There are several socio-cultural issues relating to land and governance in Ghana and women play a limited role within that context. In most communities women have limited access to land as compared to men. In the area of spousal property rights, the female spouse tends to be denied her right to jointly acquired landed property in spite of Article 22 of the 1992 Constitution of the Republic of Ghana that requires equity in the sharing of such properties. Parliament is yet to come out with a comprehensive bill to address the issue to be applied irrespective of the type of marriage.

Over the past decades, pressure on land has increased across Ghana as a result of significant population growth and urbanisation (Codjoe, 2007) as well as external policies. In the 1980s and 1990s, structural adjustment policies promoted land market liberalization and an expansion of commercial agriculture and surface mining which resulted in land concentration and the enclosure of large tracts of land, and the dispossession of local communities. Recent years have also seen large scale land acquisitions for biofuel and agriculture. In Ghana acquisition of large tracks of land have focused on the cultivation of jathrophia, rice, maize and fruits (Tsikata and Yaro, 2013).

Studies have suggested that these large scale land acquisitions have deepened hunger for land and dispossessions, adversely affected the livelihoods of local communities and their members, and are deepening gender and class inequalities with regard to access to land and the land governance systems (Tsikata and Yaro, 2013). Technically, women can access family land. However the ease with which a woman can actually

secure land depends on the access rules within her natal lineage (patrilineal or matrilineal), her marital residence arrangements, her husband's family's land status and the extent of development of land markets in her community of residence, in matrilineal and particularly communities across Southern Ghana, women could acquire farming land from their natal families, and also from their husband's lineage as long as the marriage subsisted.

In Northern Ghana, women seldom farm on lineage land but instead farm on land belonging to their husbands or their husbands' families. The interest in land acquired through these two routes affords different interests and levels of tenure security. In both cases, the lineage head, that is usually male, makes the final decisions as to whether or not women get land as well as what kind of land they get. From the experience of NETRIGHT and its members working on women's land rights in general, and specifically in Wamale in the Northern Region of Ghana, women have smaller plot sizes than men and end up with poorer quality land than their male counterparts since they tend to prefer land closer to home to enable them to manage both their productive and reproductive responsibilities more effectively.

In a report commissioned by the United Nations Office of the High Commissioner on Human Rights (OHCHR) titled *Gender stereotypes/stereotyping As a Human Right Violation* (2014), it is indicated that International human rights law places a legal obligation on States to eliminate discrimination against women and men in all areas of their lives. This obligation requires States to take measures to address gender stereotypes both in public and private life as well as to refrain from stereotyping.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provides in its article 5 that, "State Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customs and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes

or on stereotyped roles for men and women.” Other human rights treaties also require State Parties to address harmful stereotypes and the practice of stereotyping. For example, the Convention on the Rights of Persons with Disabilities (CRPD) also in article 8(1)(b) obligates States to stop stereotyping, including compounded stereotypes and stereotyping based on gender and disability.

To regulate land use and tenure systems in Ghana, the Government through the Land Administration Project (LAP) under the Ministry of Lands and Natural Resources (MLNR) has drafted a Land Bill intended to harmonize the over 160 existing laws on land which started under LAP-1 and continued under LAP-2. The Land Bill has provisions on gender to address the inequalities in land use and management. The Land Bill is one of the major current legal frameworks that intend to guide land governance and acquisition in Ghana. It has provisions intended to ensure gender equity when it comes to land acquired by persons in a marriage. It is however not clear if there adequate provisions are protecting the interest of other vulnerable persons regarding access to and control over land.

Under LAP-1 the Lands Commission Act, 2008 (Act 767) was enacted to integrate the operations of public service land institutions under one Lands Commission in order to secure effective and efficient land administration and to provide for related matters. In addition, the Lands Commission has also developed Guidelines to regulate large scale land acquisition in the country. To adequately equip NETRIGHT to advocate for gender and social inclusion with regard to land governance in Ghana it has deemed it necessary to undertake a desk study on the issue. This is a report of the desk study undertaken to identify existing literature, recent studies, surveys and assessments undertaken with regard to gender and social inclusion and land governance in Ghana.

1.2 Structure of the Report

This report is made up of six sections. After this introduction the second section looks at the scope of the desktop study and the methodology used. This is followed by the third section that presents findings on

literature on gender and social inclusion with regard to land. The fourth section looks at reports on gender and land governance and recommendations from such reports. The fifth section presents analysis from the findings looking at succession and inheritance issues and its implications for gender and social inclusion, gaps and recommendations on gender and social inclusion and strategies to facilitate dialogue with relevant actors to protect rural women's rights. The sixth and final section is the conclusion.

2.0 SCOPE OF THE DESKTOP STUDY AND METHODOLOGY

2.1 Scope

The broad objective of the consultancy is to undertake a desktop study which will include a literature review to identify and summarise reports on the gender issues relating to land governance in Ghana including proposals to address identified challenges.

It is understood that by the terms of reference (TOR) the main tasks of the Consultant are stated as follows:

- Review existing literature on gender and social inclusion on issues relating to land and governance in Ghana;
- Literature review to identify and summarise reports on the gender issues relating to land governance in Ghana including proposals to address the challenges;
- Review lineage and inheritance systems in Ghana and its implications for gender equality and social inclusion in the land sector;
- Identify the gender and social inclusion gaps in the land sector and make recommendations/proposals to address the gaps/challenges;
- Propose strategies to facilitate dialogue with relevant actors to secure and protect rural women's land rights

In addition, it is further understood that the Consultant is expected to include other matters considered relevant for the assignment.

2.2 Methodology

The methodology and approach adopted to undertake the assignment consisted of a mixture of desk reviews and analysis of findings. The following are relevant.

- (i) Research and identification of relevant literature on gender equality and social inclusion issues relating to the land sector in Ghana and review of same. Two research assistants were engaged to undertake searches online and at various libraries to identify relevant published literature on gender and social inclusion. The findings were reviewed and summarised.
- (ii) Research and identification of relevant reports and papers on gender equality issues relating to land governance in Ghana including proposals to address the challenges. This was also undertaken with the help of research assistants and the findings reviewed and summarised.
- (iii) Analysis of findings and draft report – From the findings, an analysis was made with regard to lineage and inheritance systems in the country and its implications for gender equality and social inclusion in the land sector. We also identified gaps and proposals for change. The draft report was submitted to NETRIGHT for its review and comments.
- (iv) The draft report was further updated with comments from NETRIGHT and the final report submitted.

The challenges encountered in the research included the following:

- The time allocated for the assignment was rather short and did not give the opportunity for more searches to be undertaken to identify other relevant materials.
- There was difficulty with obtaining reports of research on gender and social inclusion from some organisations.
- Furthermore, there were restrictions in accessing some libraries from which relevant materials could have been obtained.

Despite the challenges the Consultant identified some relevant literature and this report presents the findings from the research.

3.0 SUMMARY OF LITERATURE REVIEW ON GENDER AND SOCIAL INCLUSION ISSUES ON LAND GOVERNANCE IN GHANA

3.1 Introduction

Findings on literature on gender and social inclusion on land governance is summarised in this section. For purposes of this section, literature was made up of published materials on gender and social inclusion issues on land governance as well as papers in published journals available online. After this introductory section, the first part summarizes online literature on findings on peasant farmers and smallholders in Agriculture, the second part summarizes findings on literature on gender and land governance generally and the third part summarises findings on literature on other social inclusion issues especially disability. The focus will be particularly on gender equality and issues relating to disability with emphasis on land governance issues related to the two issues. Other forms of discrimination relating to land will be identified in reports summarised that also address such issues.

The 1992 Constitution of the Republic of Ghana prohibits discrimination and guarantees equality in its Article 17 which states as follows:

Article 17 – Equality and Freedom from Discrimination.

(1) All persons shall be equal before the law.

(2) A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status.

(3) For the purposes of this article, "discriminate" means to give different treatment to different persons attributable only or mainly to their respective descriptions by race, place of origin, political opinions, colour, gender, occupation, religion or creed, whereby persons of one description are subjected to disabilities or restrictions to which persons of another description are not made subject or are granted privileges or advantages which are not granted to persons of another description.

- (4) Nothing in this article shall prevent Parliament from enacting laws that are reasonably necessary to provide –*
- (a) for the implementation of policies and programmes aimed at redressing social, economic or educational imbalance in the Ghanaian society;*
 - (b) for matters relating to adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law;*
 - (c) for the imposition of restrictions on the acquisition of land by persons who are not citizens of Ghana or on the political and economic activities of such persons and for other matters relating to such persons; or*
 - (d) for making different provision for different communities having regard to their special circumstances not being provision which is inconsistent with the spirit of this Constitution.*
- (5) Nothing shall be taken to be inconsistent with this article which is allowed to be done under any provision of this Chapter.*

In addition, Article 22 of the Constitution is very relevant for women's rights since it guarantees that properties which are jointly acquired in the course of a marriage are equitably distributed at divorce or at the death of either spouse. It reads as follows:

Article 22 – Property Rights of Spouses.

- (1) A spouse shall not be deprived of a reasonable provision out of the estate of a spouse whether or not the spouse died having made a will.*
- (2) Parliament shall, as soon as practicable after the coming into force of this Constitution, enact legislation regulating the property rights of spouses.*
- (3) With a view to achieving the full realisation of the rights referred to in clause (2) of this article –*
 - (a) spouses shall have equal access to property jointly acquired during marriage;*
 - (b) assets which are jointly acquired during marriage shall be distributed equitably between the spouses upon dissolution of the marriage.*

Parliament is yet to come up with the legislation envisaged, since the three attempts made by the Ministry of Justice and Attorney General's Department to pass the Property Rights of Spouses Bill through Parliament have failed.

Furthermore, Article 35(1) of the 1992 Constitution enjoins the state to promote the integration of all the peoples of Ghana and prohibit discrimination and prejudices on the grounds of origin, circumstances of birth, ethnicity, gender, religion and other beliefs.

The Constitution also protects the right to property under Article 18. In addition, Article 36(7) guarantees the ownership of property and the right to inheritance.

As indicated there are several laws dealing with access to and securitization of interest in land. Attached as Appendix 1 is a list of some of the laws dealing with access to and securitization of interest in land in Ghana.

3.2 Review of Literature on Gender and Multiple Social Inclusion Issues

Literature is available from a number of researches undertaken on land governance that looked at gender and other forms of social inclusion issues. A number of such reports were identified and summarised in this section.

3.2.1 National House of Chiefs and Law Reform Commission, Report on Pilot Phase of Ascertainment and Codification of Customary Law on Land and Family in Ghana, Ascertainment of Customary Law Series No. 3, Report on Pilot Phase of Ascertainment of Customary Law on Land and Family in Ghana, Vol. 1 (2011) ISBN 978-9988-1-4854-6

The Ascertainment of Customary Law Series is a collaborative effort by the National House of Chiefs (NHC) and Law Reform Commission (LRC) which publishes findings of research on customary law on land and family in Ghana from selected traditional areas as part of the Ascertainment and Codification of Customary Law on Land and Family Project (ACLP).

The series are publications from the Pilot Phase of the ACLP, which was undertaken from 2006 to 2011 with funding from the German Development Cooperation (GTZ now GIZ). The findings from the pilot phase have been published in seven series in Ghana in March 2011. The project was undertaken in fulfillment of Article 272b of the 1992 Constitution, which mandates the NHC to undertake studies on

customary law and to codify it. The ACLP was set up to systematically document customary law on land and family in Ghana.

During the pilot phase, literature review on land and family was undertaken for the ACLP by consultants and this was published in 2009 in series 1 and 2 of the Ascertainment of Customary Law Series. This was followed by the publication of documented findings on customary law on land and family from twenty (20) selected traditional areas in five volumes (series 3 to 7) of the Ascertainment of Customary Law Series with each report containing findings from two regions.

The research was a qualitative study and issues investigated in each selected traditional area included the following:

- *General Concepts on land and ownership* – General concepts on land; land use capacities; customary land controls and circumstances under which one could lose ownership of land;
- *Land interests and their alienation* – covering rights and interest in land; hierarchy of land interests; problems in land tenure terminologies; modification in land tenure terminologies and alienation/inheritance;
- *Vulnerable Groups* – covering migrants and settlers; women; young people; religion and people with disabilities;
- *Land use* – covering land uses like development land; commercial land; outskirt land; changes and trends in land use;
- *Land management issues* – such as covering institutions responsible for land allocation; specific formalities for access to land to indigenes and migrant/settlers;
- *Institutions responsible for conflict resolution* and
- *How customary land rules can be ascertained* at the community level.

The methods for the collection of data consisted of the use of Focus Group Discussions (FGD) and In-depth interviews. Respondents were randomly selected for the interviews taking into consideration the categories of persons from whom information would be obtained for research of this nature.

For the customary land law interviews, the respondents for the FGDs consisted of the following: Male and female farmers, Migrant farmers, People with disability, Young persons, representatives of farmers associations, land priests (*tendamba*), land sector institutions or those who have a role to play including the Office of the Administrator of Stool Lands (OASL), Town and Country Planning, District Assemblies, Lands Commission Secretariat and Customary Land Secretariats (where they existed). The in-depth interviews consisted of the following category of respondents: Male and female traditional authorities; Traditional priests and other key informants.

The team of researchers assigned to each region was made up of a Regional Research Coordinator, four data collectors and one Regional Liaison Officer. They spent between 4-6 weeks in collecting data.

The data collected was validated at different levels: first at the traditional area, from which data was collected, (with the general community and then with the Traditional Council); at the Regional House of Chiefs within which the traditional area falls; and finally at the National House of Chiefs.

The Ascertainment of Customary Law Series 3, is also Volume I of the Reports from the Pilot Phase and gives an overview of the research methodology and summarises findings from the pilot phase generally. It also begins the process of serialising findings from some of the Traditional Areas that participated in the pilot phase and contains a summary of findings from two traditional areas each from the Upper West Region and the Brong Ahafo Region. The rest of the series cover findings from the remaining regions as follows:

- Ascertainment of Customary Law Series 4, Volume II serialised data from selected Traditional Areas in the Central and Northern Regions that participated in the pilot phase.
- Ascertainment of Customary Law Series 5, Volume III, serialises findings from selected traditional areas in Ashanti and Volta Regions.

- Ascertainment of Customary Law Series 6, Volume IV serialises information from the Western Region and Greater Accra Region.
- Ascertainment of Customary Law Series 7, Volume V serialises information from the Upper East and Eastern Regions.

As previously noted the selection of the regions for the publication of findings is based in no particular order but rather on the state of readiness of the reports at the time of publication.

The data collected focuses on customary land holding arrangements as practiced in various communities in Ghana with reference to the following number of issues including: concepts on land; different kinds of land tenure systems and categories of land rights; hierarchy of interests in land; procedures and processes for the management of land; dispute settlement mechanisms on land issues; and the ascertainment of key terms on land.

The Ascertainment of Customary Law Series 3, Volume I of the Reports from the pilot phase has six chapters and 224 pages. The publication gives an overview of findings from the pilot phase generally. The summary of findings on other vulnerable groups were as follows:

- **Women** – On the rights of women the summary indicates that they are discriminated against with regard to inheritance of land in most patrilineal areas. Once married they lose access to family land and lands inherited paternally. They also had to be led by a male relative in most of these communities to acquire land. Women have no such limitations in matrilineal areas. However, with regard to self-acquired land, women can pass it on to their successors in both patrilineal and matrilineal areas.
- **Migrants/strangers (non-indigenes)** – Respondents indicated that non-indigenes usually had to pay more for land as compared to indigenes. They also had challenges with regard to transmission of interest in land to others.
- **Young persons** – In most communities one has to have matured into adulthood before a person could acquire land. Older persons

also hold inherited land in trust for children or younger persons until they grow older when they can take over their property.

- **Religion** – It was indicated by most respondents that this was not a barrier to the acquisition of land. However, where a person's religious practices will cause harm to people in the community, that person could be denied access to land. In addition, where due to one's religious beliefs a person refuses to present drinks to the elders or follow certain customary procedures then he/she may be refused the right to acquire an interest in land in the community.
- **People with disability** – Most respondents indicated that there was no discrimination with regard to access to and ownership of land by people with physical disability, but people with mental disability were discriminated against with regard to land.

The report also serializes information from two selected traditional areas in the Brong Ahafo Region (Duayaw Nkwanta and Nkoranza Traditional Areas) and Upper West Region (Nandom and Kaleo Traditional Areas) and documented findings included data on the vulnerable groups indicated above with regard to customary land law.

Other reports in the series also documented information on vulnerable groups from sixteen (16) other Traditional Areas with regard to customary land law. These are made up as follows:

- Greater Accra Region (Kpone and Shai Traditional Areas)
- Eastern Region (Akuapem and Yilo Krobo Traditional Areas)
- Western Region (Lower Axim and Sefwi Chirano Traditional Areas)
- Ashanti Region (Offinso and Tepa Traditional Areas)
- Central Region (Eguafo and Assin Attadanso)
- Upper East Region (Bolga and Paga Traditional Areas)
- Northern Region (Mamprugu and Gonja Traditional Areas)
- Volta Region (Areas constituting Asogli and Kete Krachi Traditional Councils)

No attempt has been made yet to codify the data for respective Traditional Areas in the form of Legislative Instruments in accordance with the provisions of the Chieftaincy Act, 2008 (Act 759). If steps are taken to codify the findings, the documented findings in the Ascertainment of Customary Law Series will have to be reviewed to ensure they meet constitutional standards and do not violate any existing law.

The report ends by indicating that the NHC has plans to ascertain customary law from more traditional areas in Ghana.

3.2.2 Ascertainment and Codification of Customary Law on Land and Family in Ghana, (Ascertainment of Customary Law Series No. 1, Literature Review Report on Customary Land Law in Ghana (2009) ISBN 978-9988-1-4807-2)

Literature review on customary law on land in Ghana was undertaken under the ACLP by the Centre for Land Studies at the KNUST. The report gives an overview of customary law rules on land in the ten regions of Ghana. Some of the issues investigated included gender equality and social inclusion issues on land.

The report indicates that the purpose of the work was to identify and review available literature and secondary materials on “Customary Law on Land” in Ghana, commissioned by the National House of Chiefs/Law Reform Commission and funded by GTZ now GIZ as part of the ACLP. The study focused on customary land holdings arrangements as practiced in the ten regions in Ghana. This is a 147 page document with 14 chapters. It gives an overview of customary land rights across the country.

The research methodology employed involved library and archival studies to review text books, journals, articles, case laws (reported and unreported) including decisions from native and traditional courts.

The principal issues addressed were as follows:

- *Different kinds of land tenure systems and categories of land rights* – Here there is a review of the customary law rules and practices on the various kinds of land tenure systems.
- *Hierarchy of interests in land* – There's a review of documented customary law rules and practices indicating the hierarchy of interests in land recognised by different communities and the bundle of rights attached to each interest.
- *Procedures and processes for the management of land* – A review of the customary rules and practices on land management, including the various levels of responsibility for the management of land, formalities and processes for alienation of land and the processes by which land rights are acquired and lost.
- *Dispute settlement mechanisms on land issues* – A review of customary rules and practices on traditional dispute settlement mechanisms at customary law and the status of such mechanisms.
- *The Ascertainment of key terms on land* – A review of the literature to ascertain the key terms on customary land and family and the local understanding of such key concepts as "allodial title", usufruct and freehold.

The report focuses on literature from each of the ten regions in the country on issues affecting land holding arrangements. For the purposes of this report, this portion will summarise some of the findings on gender as well as other vulnerable persons rights associated with the various regions with regard to customary land law.

Land Tenure in the Brong Ahafo Region

In the Brong Areas, like other Akan communities, customary land ownership and holding arrangements are similar with the allodial title (*Akondwa Asaase, Saa-ke Tosee-nkuran* in Tain District, *Asaasewura*) being the highest. It is from this interest that the lesser interests like, customary freehold/Usufructuary (*Abusua Asaase*), Leasehold (*Fem Asaase*) and customary tenancies (*Abunu/abusa*) are derived. Subjects enjoy equal rights to land which they derive from the stool.

Rights of Women – In the past, women and men did not have equal access to land. However, due to modern trends through public education, women empowerment and commercialization of land, there is now access. Women in the Brong Ahafo Region, though with some difficulty, have gained access to land through gifts, inheritance, purchase, tenancy and customary succession. These difficulties are as a result of discrimination, poverty, divorce, sexual harassment, customary practices, among others. These challenges are faced in areas of inheritance, gifts tenancy and customs (ISSER, 2007)

Alienation/ Succession – Most of the areas in the region practice the matrilineal system of inheritance in line with the Akan custom. In the Mim area for instance, since many of the settlers were mainly immigrants having matrilineal descent, they usually transfer portions of land acquired to their wives and children because they help in no small way in the acquisition or cultivation. Some portions are, however, left over as family property (Sarfo, 1980)

Land Tenure in the Ashanti Region:

The basic assumption of Ashanti land law, for example is that the paramount title to all the lands of the realm is vested in the head stool. The occupant of the head stool of the *Omanhene* (Paramount Chief) cannot personally be in effective control and the administration of the lands. He therefore delegates part of his functions to subordinate chiefs under him. The subordinate chiefs may also sub delegate their functions to still lesser chiefs under them until it comes to families and individuals in actual occupation of the lands. (Bentsi-Enchill (1964), Ollenu and Woodman (1985), Asante (1975), Benneh *et al* (1995)).

Rights of Women – Women in this region have equal access to land as men. Women in the Ashanti region gain access to land through inheritance (customary and legal), female stool lands (*Ohene Yiri lands*) gift and tenancy (share cropping). Interests gained include households, customary freeholds/usufructs. Though some difficulties are faced in securing some interests there are no difficulties where access is through inheritance (ISSER, 2007).

Rights of Migrants – Strangers, regarded as non-subjects of stools and sub-stools may acquire ‘specific usufruct’ through contractual agreements with the land holders subject to the payment of money (tribute), rent or some form of payment in kind.

Alienation/Succession – Alienation of land was a rare phenomenon in the former days especially in Ashanti because as noted by Asante (1975) outright alienation of land by sale, involving total divestiture of the proprietary interests in land was not unknown to the traditional legal processes. However, according to Busia (1968), Kinship, reverence for the ancestors and the belief in the spiritual power of the earth have combined to give land tenure in Ashanti its peculiar character. The Ashanti’s believe that the earth has a power or spirit of its own which could be helpful if propitiated or harmful if neglected. This power of earth is conceived as female ‘*Asase Yaa*’ whose natal day is Thursday. She was not to be disturbed on that day. To avert a misfortune, work on the land on Thursday was prohibited. Each headman sees to it that all members of his lineage have portions to farm. If one asks a farmer how he came to secure the right to farm where he does, he will relate that he established his right by tracing his descent in the matrilineal line to an ancestor before him or her. The right to use land is inherited from the original settler or done by maternal kinship. Thus a whole lineage acquires the right of usufruct and can exercise such rights in perpetuity but cannot sell it (Gildea jr., (1964), Benneh *et al* (1995)).

Land Tenure in the Eastern Region

The Allodial interest is vested in the heads of clans known as the ‘*Adadi*’ or ‘*Asosffo*’ and not the chiefs. According to the history of the area, various clans acquired unoccupied lands thereby vesting beneficial interest in the clan members, the chiefs (both local and paramount) have no interests in the land but only exercise jurisdictional rights over the land.

Rights of Women – Access to land by women has been difficult especially where the inheritance is through the Patrilineal system (especially in the *Guan/Krobo* areas where men hold land in trust for women). However,

other means of access to land are through leases, purchase, gifts, marriage, tenancies, pledges and grants from chiefs.

In the *Akuapem, Yilo Krobo and Larteh* traditional areas, if the land was personally acquired property she had absolute control over it and every right available to a land owner. This means she can sell, lease, mortgage or give the land out as a gift to another person or make the death bed declaration (*samansew*) to a person of her choice. However if there was family land she could only use it for farming and other economic activities. For example she could, with the approval of the family, put up a temporary structure for other commercial ventures but she cannot transfer land to another person.

Upon death of a woman's husband, the family of the deceased may prevent her from continuing to farm on the land especially if the couple was farming on the family land. Women do not have equal rights when inheriting from a deceased spouse. By tradition spouses do not inherit each other. If one of the couple dies, he/she is inherited by a predetermined next of kin by his/her family. Therefore, unless the land was specifically willed or the deceased made *samansew* to the surviving spouse, there can be no inheritance. However if the deceased made a will or *samansew* leaving the property to the surviving spouse then men and women have equal inheritable rights.

Young persons/Youth – In the *Akuapem* traditional area, those considered as children cannot directly inherit property of their parents and this includes land. Land is usually held in trust for children by the elderly until they attain the age of maturity; however, if a child is well resourced enough to purchase land he/she must be assisted by an elderly person who would do the negotiation on his/her behalf.

Persons with Disability – Persons with disability have equal inheritance rights as the able bodied. Once it has been determined that they are legitimate children of the deceased they share the inheritance equally.

Rights of Migrants – In the *Akuapem* traditional area when a person legally acquires long term interest in land his/her status as a migrant or settler no longer becomes an issue. They may even transfer interest to

another person, during their life time or when they passed away. If a landowning migrant dies intestate, the rules of inheritance prevailing in the community will apply in distributing the property.

Alienation/ Succession – In areas where the system of inheritance is patrilineal, children inherit their father's property. While areas where the inheritance is matrilineal children inherit along their mothers lineage.

Land Tenure in the Central Region

In all parts of this region, one way by which members of a stool assert ownership of land is that, all of them have an equal inherent right to make use of anything which is a natural product of the land. Such land(s) may be cultivated or uncultivated land in the possession of other members. Entry for the purpose of exercising this right does not constitute trespass. A stool member can therefore enter on any portion of the stool land to hunt, catch crabs, fish in rivers, and collect firewood and wild growing trees. However, a member cannot take that which other person(s) have already reduced to their possession.

Rights of Women – Common means of women's access to land has mainly been through inheritance and purchase. However other means used to access land include gifts, marriage, and through chiefs. Women in this region do not have difficulty in accessing land due to matrilineal system of inheritance. They have equal access to land as men be it in the family lands, stool lands or individual lands.

In *Darmang and Asempanaye* traditional areas, even though women have equal rights to land as men they are prevented from farming on the primary forest which is regarded as difficult to farm on. In this area women have the same rights as men as far as inheritance is concerned. In the *Assin Atandanso* traditional area, when property is acquired by the contribution of both spouses then upon termination of the marriage the property is shared equally. Upon death of either spouse the property goes to the family.

Young persons/Youth – Age is not an impediment to land acquisition in the *Eguafo* traditional area since the land owners are mainly concerned with the ability of each person to work on the farm and pay the *Esudze*

regularly. That is, land could be owned by anyone irrespective of a person's age. Children and adults do not have equal rights to inheritance in this traditional area so the land is usually held in trust for the young until they become old enough.

Persons with Disability – Most people in the Eguafo traditional area do not regard disability as a barrier to land acquisition they mainly focus on the ability to get the work done. However in a community like Dominadze, there is the perception that individuals cannot work on the farms by virtue of the fact that they are disabled.

Rights of Migrants – A stranger is regarded as one who has no inherent right to occupy land belonging to a stool. Thus in one case of land of a paramount stool, a stranger is a non-member of the particular sub-stool; and in the case of land belonging to a stool family, a stranger is a non-member of the family. Migrants can acquire land for farming purposes. Such lands may be owned by the stool or the family. Alcoholic drinks and some amount of money are sent to the chief and his elders. Migrants are required to pay a yearly ground fee to the chief (stool land) or the family land. The duration depends on the type of customary tenancy acquired by the migrant. When the migrant settlers and farmers do not abide by the terms this could lead to a loss of interest.

Alienation/ Succession – Landed property whether family or stool land may be alienated once the consent and concurrence of senior members are sought otherwise, such alienation is revocable. Alienation of property may be by gift, mortgage or pledge, loan, sale, or testamentary disposition (Sarbah, 1964). According to Bentsi Enchill (1964), "Property which becomes family property upon the death of its first acquirer continues to be heritable property passing from generation to generation of his lineal descendants". According to Fanti laws, a father has in subjection under him his son and his son's children. Thus whatever is acquired is acquired for the father, and this subjection terminates upon the father's death. Further grants of land for building are resumable by the grantor and his successors on failure of successors in the grantees family. Also, lands granted are inalienable, except where the express

consent and concurrence of the grantor, if it be his self-acquired property; however, if it is ancestral or family property, then the consent of the persons entitled to the reversion must be gained (Sarbah, 1968).

Land Tenure in the Western Region

The hierarchy of land interest identified in this region by ISSER (2007) were as follows: Allodial – *Asaasewura*; Customary Freehold – *Ebusua edzidzi bea*; Customary leasehold – *Ebusua edzidzi bea*.

Rights of Women – Studies conducted by ISSER, 2007, have revealed that women in the region gain access to land and acquire permanent interests through marriage, inheritance, share from the family; and or outright purchase with the first two being common. Unfortunately, women do not have equal access to lands like their male counterparts since in the matrilineal system; men are given priority over women.

Rights of Migrants – In recent times, strangers who have acquired land through purchase and share tenancies (*Abunu and Abusa*), are requested to plant the whole area with cocoa trees and the farm, rather than the output being divided between the tenant and the land owner. The tenant then assumes ownership over his share of the land and the long term nature of cocoa farming does not reveal any instance of such land reverting to the original owner. Rights appear to remain in perpetuity since the tenant turned owner has the right to sell his share of the cocoa farm. This was formerly not the case as land could be transferred only to other family members (ISSER, 2007).

Alienation/ Succession – Traditionally in the Akan matrilineal system, this type of land was either bequeathed to nephews or allocated to other male members of the extended family, as decided by the family head. Wives and children were left with no rights if a man dies intestate. Uncultivated fallow land would revert to the family. In recent times, village land is inherited directly by wives and children and even family land is often transferred to them with the consent of other family members. Such inter vivos transfers are termed 'gifts' and individual rights to land are firmly established. Land rights are clearly

individualized among migrants, who either have nuclear families or practice patrilineal inheritance in which the relatively small members of sons with a single family are qualified to inherit their fathers land.

The process of individualisation among the Akan matrilineal communities has been strengthened through the PNDCL 111. However, the local people prefer a formula based on giving one third of the property each to spouse, children and maternal family, rather than the stipulations of the law.

Also, alienation or *Trama* was an interest which used to be the outright sale of land to individuals or a group of individuals permanently, with the holders sharing royalties with the allodial holder has been completely abolished by the region. (ISSER,2007).

Land Tenure in the Volta Region

The acquisition or holding of the paramount or absolute interest in land by an individual was unknown to the Ewe. The paramount interest in land could be vested only in the family or '*dzitinuwo*' as legal entities. (Kludze, 1973). According to Kludze, even though Ewe stools have always enjoyed jurisdictional authority apart from specific cases of small stool lands, the paramount or absolute title to land has been vested in the several families and not the stools. The nature of the beneficial interest of the family is limited because the family is but an artificial person and also because the notion of family property other than land is little developed among the Ewe. Thus the family as the holder of the paramount title, has the right to occupy any part of its own lands such as for the cultivation of a family farm or the building of a family house; but this type of beneficial user is rare especially among the Northern Ewe.

Rights of Women – Women in the region gain access to land mainly through requests, purchasing, marriage and gift. Due to the patrilineal nature of inheritance which dominates the region, inheritance is not a common means of access to land by women. Generally they do not have difficulty in acquiring land for crop farming like they do when accessing land for cash crops and development of property.

Rights of Strangers – There are several ways by which a stranger may acquire an interest in land for building or farming purpose. In case of building plots, the commonest form is to ask the owner (Clan, family or an individual) for gift of land, failing which he will decide to buy. In the case of farming, more alternatives are open. The tenant can either purchase the plot or have it pledged to him. In majority of cases, strangers acquire interest through tenancy agreements with the land owners.

Alienation/ Succession – Among the Ewes, land can be alienated through sale, gift and pledges. An adult person among the Ewe, if he or she has children, occupies the position of a father or a mother to his or her children. On his or her death, therefore, some other person assumes the position of father or mother which the deceased occupied when he was alive. When a father dies, the father's brother, another male relative or one of the deceased own children succeeds him. This successor is not entitled to reside in the house of the deceased. In post mortem succession to rights in property on intestacy, the rule is that children succeed to their father's interest in property. All the children are joint successors and therefore usually there's no single successor. In a similar manner there are usually several automatic successors to a woman's interest in property.

Land Tenure in the Northern Region

Ollenu and Woodman (1985 pp. 34-49) aptly state the position for the whole country that families and individuals from the landholding group hold the determinable title in land. Chiefs and *Tendamba* belong to families and so have interests in family lands. The interests held by express or implied grants, are infeasible, undeterminable inheritance and therefore transferable. Generally, inheritances and succession to property are determined by patrilineal descent.

The tenurial systems are a source of social security and continuity; the full enjoyment of the fruits of one's labour, effort and investments are guaranteed to all. Cheshire (1977, p.7) has observed that formalities for acquiring land are minimal; the person will either approach the family head local chief or landlord.

Sacred trees always belong to the *Tindana* and the rights are recognised even in areas where their land owning rights are questioned or even denied by chiefs and stranger kinship groups. In the case of transfer of land, sacred trees remain the property of the land owning group represented by the *Tindana*. This is recognised by Native courts.

Ownership of fruit bearing trees may be claimed by the *Tindana*, chief or farmer. Shea butter fruit can be collected by every person by virtue of common right. In certain areas like Dagbon and south Mamprusi where chiefs claim to have rights in land, they claim to have rights in fruit bearing trees. In Kusasi area, chiefs claim the right to Dawadawa and Shea butter but give a proportion to *Tindana*.

Rights of Women – The society is based on patrilineal and patrilocal systems: a woman cannot as such be the holder of any rights as she herself is subject of rights held by other persons. This was confirmed by Fortes (1942) as quoted by Pogucki (1954) that “a woman cannot own property as she is herself the property of her husband and father”. However, studies conducted by ISSER 2007 revealed that the reverse is the case as women can now own lands. They are allowed to sell lands that they have personally acquired. They cannot, however, sell or lease family land. Studies by Abudulai (2002) indicated that some women can inherit ‘building land’ which their parents had previously been using including farmlands, but only if there’s no male surviving child. However in areas where land was noted to be scarce there were some difficulties in women’s access to land sometimes. Women in remote villages such as Katariga, Ligba and Depali used their husbands or male relatives as ‘front men’ to acquire land for them.

Young persons/Youth – This seems to be a barrier in land acquisition among the Gonja. Children including adult offspring whose parents are still alive have to acquire land in their parents’ names. This implies that the youth have to ‘go through’ the elderly in order to acquire land as a sign of respect to the Chiefs and elders. Children are considered to be part of the deceased ‘assets’ and therefore cannot inherit any property.

Persons with Disability – Even though there is no discrimination against the disabled in terms of access to property to farm, an able bodied person may usually take responsibility for the disabled person.

Rights of Migrants – A stranger, non-subject of a clan, tribe or skin may acquire land as a gift or on some contractual basis. The stranger's interest is potentially secure unless he/she grossly misbehaves, denies or subverts the ultimate authority, or the determinable title of the land donor. Access to land and security for strangers are equally potentially guaranteed as the indigenous people.

Alienation/ Succession – Trees which belong to land owning groups represented by the *Tindana* are inherited by the next *Tindana*; trees belonging to the farmer are inherited according to the rules which govern the farm on which they grow. A woman can inherit only upon the extinction of all males in the group. She only inherits if she is a widow. She may even be the guardian of the property, if one of her children is a male minor, but the minor is the owner of the land. Should she be pregnant upon death of her husband, the land becomes the property of the child upon his birth, if it is male (Bole, Nangodi, Sambrong). Land normally cannot be devised by a Will. Farms may be divided by the owner before his death and the general rules of succession do not apply. Such division seems to have the character of a disposition *inter vivos*.

Land Tenure in the Upper West Region

The right to use land in this region is derived from three main sources, first the right of being a member of the land owning group and the entitlement to use the land; secondly, the result of an acquisition from the land owning group; and thirdly, land can be acquired from a group which itself obtained the right from another group or individual who can then utilize the land without paying anything to the *Tendana*. The right to farm is perpetual, inheritable, and alienable when the land has clearly defined boundaries. When the right to farm anywhere on land belonging

to the land owning group, the right may be temporarily serving only the period of occupation or cultivation. The right to use land can be communal or individual. In communal right, the farms are worked collectively and the head of the group divides the produce.

Rights in land for building can be group rights or individual rights subject to a group rights. In group rights, the group inhabiting the compound and the head exercise the right on behalf of the group. The group may be brothers and sons. If the inhabitants of the compound leave, the compound reverts to the group and the head can allot to someone else. Individual rights arise when a son or brother builds himself a new compound. But in some cases, a concurrent right of the head of the old compound exists.

Rights of Women – In most areas a woman can derive profits by operating a garden on her husband's or on the group's farm land but she is bound to use the profits for specific purposes. This finding has been confirmed by Kasanga in a study on women's rights in Wa and Nandowli. According to the author, in the past, up to the mid 1980's, women were not supposed to hold a hoe and bend down like men to farm. Women began farming in the mid-1980s, partly with the introduction of commercial cotton cultivation in the neighbourhood due to poverty and economic hardships at the time. There was no discrimination against women in respect of farm rights. The women like men, chiefs and *Tendamba* belong to families and are by custom and tradition, entitled to family land as of right. The rights are inseparable from one's birth rights and/or marriage rights and obligation. (Benneh *et al*, 1995). However, in some areas, women are not allowed to inherit land because they can marry outside the family and can also divorce. (ISSER, 2007).

Young persons/Youth – According to the Land Management committee in Nandom Central town, upon the death of a parent, the children of the deceased, (if they are not yet of age) cannot exercise absolute ownership of the land they are in possession of by their father, but rather the land could be controlled by their deceased father's brother. A young person

must be led by an adult male from his *Yir* (family/community section) before land can be granted to him for use.

Persons with Disability – In Nandom they do not face any discrimination as far as acquisition and ownership is concerned. Similarly they have the same rights as able bodied members as far as rights to inheritance are concerned.

Rights of Migrants – In the Kaleo traditional area migrants and settlers acquire land for farming and residential purposes through customary Procedure (*ziso haa*) from land owning family heads and their elders with consent of the chief and the *Tendaana*. They have the capacity to use the land as long as they abide by the customary rules associated with the land they are in possession of.

Alienation/ Succession – Building rights are perpetual and inheritable. From the point of view of alienation, the right to use land cannot be alienated while the right in the building itself may become saleable, through the impact of economic conditions. As to reversion of building rights, it may revert to the compound owning group (represented by the head) or the Allodial owners (represented by the *Tendana*).

In the past, a deceased brother inherited family property and took care of the children and the widows. However, given the financial and economic difficulties of the emerging peri-urban money economy, abuses of the customary estate administrators and the advent of religion and the Quran, a modified form of the patrilineal system of inheritance evolved since 1921. Under the system, deceased properties go directly to his children and wives. If the children happen to be minors, any brother who takes over is usually regarded as a care taker until the children reach maturity. According to the chief of Nakore, the Wa-Na's court has on three separate occasions settled inheritance disputes along these principles (Benneh *et al*, 1995).

In Nadowli, men pass on their farmlands to their children. This system of inheritance is governed by custom, tradition and local practice and is well appreciated by all, both men and women. Access to land for housing is

by occupying family land. No consideration is paid for housing land. Like farmlands, housing is also passed on to children as custom, tradition and local practice demand.

Land Tenure in the Upper East Region

There is an absence of permanent ownership of rights to particular parcels of land. These are areas where shifting cultivation is practised and a right to a piece of land under cultivation expires when the land becomes fallow. No rights can be claimed and everyone is entitled to use land when the land is abandoned by the previous cultivator. In the past it has been stated that, "Anybody, can farm on abandoned land because there is plenty of land" (Pogucki, 1954). If the owner were to possess absolute rights, the rights can be transferred to the purchaser.

In the Bolga traditional area, land is family owned, skin owned (Pɛ tega/pare tega) and there is also the land priest (Tegatu/landowner) system. Paga Pɛ (Paga chief/skin) has the ultimate authority.

Rights of Women – Women in the region gain access to land through outright purchase, inheritance, renting, negotiations and household allocations. In the case of outright purchase, the land can be used, transferred or resold. For inherited lands it can only be sold if it was bought by her late husband as family land cannot be sold or leased out. Household allocations are used for farming purposes only while the land acquired through renting or as a gift, cannot be sold or leased.

Women therefore have only rights to farm, undertake commercial activities and build if the land is properly acquired. It has been indicated that women could hold the position of the *Tindana* and represent the group in any matter affecting allodial ownership of land and wields group rights to land. A widow may have the right to occupy a house or build one herself if she does not marry in some areas.

In the Bolga traditional area a woman cannot acquire land without being accompanied by a male and she cannot own land customarily. However, in present times, a woman can acquire some interest in land like a

leasehold interest, but she still has to be accompanied by a male to negotiate the terms for the acquisition of the interest in land.

A woman can transfer only her self-acquired land to her children or family members but cannot transfer, through the same means, land given to her by family for farming or building to anyone since a woman cannot customarily own land.

Accusations of suspected witchcraft can cause a woman to be denied her land or lose her land. A woman cannot transfer her interest in self-acquired land without consulting her husband. A woman cannot inherit family or lineage land (except when she is the only surviving family member) even though she is considered a member of the family, it would be given to her male children who are recognised by custom as owners of the land. Women who are separated from their husband and later return cannot easily access land. Since women are not considered as permanent members of the family they are not allowed to have permanent rights in land, which is a fixed asset. A woman cannot personally present customary items to acquire land herself but must be accompanied by a man.

Young persons/Youth – As far as youth is concerned the eldest son inherits all the land and all the landed property and takes care of the other siblings where they are minors. In the case where all the deceased's children are all adults, the eldest son takes the largest share.

Persons with Disability – People in Bolga do not discriminate against the disabled, they consider all people as equal. There are equal rights to inheritance of land. The position of a person in the family (except in chieftaincy) cannot change on the basis of disability.

Rights of Migrants – In Bolga Traditional area they cannot get land for their farming and other activities neither can they customarily own land in their own right.

Alienation/ Succession – Succession is patrilineal. Females inherit only upon the extinction of all male descendants within the kinship group. The

idea, that land belongs to past, present and future generations is practiced in isolated communities. (Pogucki, 1954). The land belongs to the living members of the kinship group who hold it as a legacy from their fore fathers (ancestral land). A person accedes to the rights enjoyed on the basis of membership of the kinship group by being born as a member of the group and also by being born as a member of an adopted or assimilated lineage.

Land Tenure in the Greater Accra Region

The following rights according to Pogucki (1955) are of a special nature: building rights, rights in trees, securities, ferry rights, and market rights. Rights under the allodial interests are absolute and they are held by the *Shitse* (Land Owner). Under the freehold, the *Shipontse* holds the absolute right and Ghanaians above the age of 18 years can acquire such interests in the region. The *Abusa* and *Adodee* interest can be acquired by both indigenes and migrants and is often restricted to good conduct and neighbourliness. Licences and leases are similar *Abusa* with regards to the rights associated with them. Fishing rights can be acquired by both indigenes and migrants. There are seasonal restrictions associated with it and the third of the harvest is given to the land lord. Leases for salt mining are often acquired by non-indigenes.

Rights of Women – According to Pogucki (1955), women are not incapacitated with regards to holding rights in land. A woman can therefore enter into, and complete any transaction in land in her personal capacity without consent either of her group, or of her husband. There is thus a precept of separation of property of a married woman. A woman's self-acquired property upon her death intestate devolves to her children or in her absence, on the members of her group of her generation. She herself does not inherit although she may retain the right to be maintained from such property. Whilst rules of inheritance in some cases exclude one married into another group from inheritance of her father's property, in other cases she retains a life interest in her fathers or her mother's property upon her death intestate.

Rights of Migrants – Any person who belongs to another tribal group is regarded as a stranger as well as any person of the same tribal origin, but who belongs to another kinship group for the purposes of land tenure. In some parts of the Ga area, a differentiation is made between strangers of African origin and non-African. This distinction does not exclude the capability of a stranger to acquire land rights, but only affects the mode or procedure for such acquisition. In the case of the former, one may be required to negotiate with the true owner of the land through the political head, who on the other hand, may negotiate and enter into the deal directly with the true owner of the land. There is a definite link between the concept of a stranger for those purposes and segmentation of land owning kinship groups. In areas in which land is prevalently owned by extended families any member of another family is treated as a stranger. Any stranger is capable of concluding any transaction including an absolute purchase of land, but strangers of African origin may often be given the opportunity of obtaining land by gift or grant as surface user for a term of years or for life. In all these instances, emphasis is laid on rules which pertain to the acknowledgement of the greater rights of the grantor in order to avoid adverse claims by effluxion of time. A stranger may be capable of purchasing land; but there is a noticeable tendency to avoid absolute sales to such person, specifically if they are of a different ethnic origin.

Alienation/ Succession – Perpetual, inheritable and alienable rights to use land may reside in clans or in families, or in individuals to whom they have been granted by the original allodial owners or who acquired them by segmentation or prescription. Alienation is not restricted but in cases of group property certain restrictions apply. Devolution upon death among the Ga is patrilineal. Ga customary rules of devolution caused by social segmentation, increased economic values of land, and individualisation of rights in land. Whilst originally at times when the span of kinship groups was smaller, the whole group as such was treated as inheriting the body, this body became later composed only of members of the generation of the deceased and their descendants, narrowed further to the descendants of the deceased and the members of the

generation and eventually contracted to a group, consisting only of descendants of the deceased.

The general principle of devolution upon death is to distinguish between succession and inheritance. Inheritance is regarded as occurring in case of devise by Will, or on intestate devolution of self-acquired property (Peter *v.* Boye and others), that is of property acquired personally by the owner or devised by the will.

The report ends with an extensive bibliography on existing literature on customary land law.

3.3 Review of Literature on Gender and Land Governance

There are several issues relating to gender and land governance. At the international level in a report commissioned by the United Nations Office of the High Commissioner on Human Rights (OHCHR) titled *Women and Land, Property And Housing* (2013) women's rights in, access to and control over land, housing and property is a determining factor in women's living conditions especially in rural economies, essential to women and their children's daily survival, economic security and physical safety. Despite the importance of these rights for women and women headed households, women still disproportionately lack security of tenure. This is often due to the fact that registration of property is done in a man's name; the father, husband or brother. In case of separation or divorce, the man often retains rights to the property or land whereas the woman becomes homeless or will have to share the property with her in-laws without gaining control or rights over it.

Discriminatory legislation on and lack of control over property, land and housing also mean that women are excluded from community decision making processes that are led by men who normally are the landowners. In rural communities, ownership of land determines both social status and the way in which control is exercised over a household's resources and income. Women's disadvantaged economic position in this regard

creates a structural dependence on men for access to resources which, in turn, can subject women to insecurity and violence.

Cultural and religious practices, as well as customary practices, also can have an impact on women's rights related to land, property and housing. These practices often exist in parallel with statutory laws. These often discriminate against women in the fields of property, land and housing and sometimes trump national laws. In addition, the interpretation of statutory laws is influenced by customary laws or practices to the detriment of women's rights. Women often have no access to participation in decision making with respect to land, property and housing even though these issues affect them directly and seriously.

Another report commissioned by the UN Women and OHCHR titled *Realizing women's rights to land and other productive resources*, 2013, provide detailed guidance for lawmakers and policymakers, as well as civil society organizations and other stakeholders, to support the adoption and effective implementation of laws, policies and programmes to respect, protect and fulfill women's rights to land and other productive resources. It is based on the results of an expert group meeting held on 25-27 June 2012 in Geneva, Switzerland, during which papers were presented from various sectors and regions. These papers, and the discussions which were informed by them, helped to bring to the surface many of the critical issues facing women today in relation to the enjoyment of their land rights. The publication also incorporates additional case studies submitted by key experts, as well as extensive thematic research. Land itself can be understood to include farmland, wetland, pasture, rangeland, fishery, forest, as well as harvesting and hunting territories.

Throughout this publication it is indicated that the phrase "women's rights to land" must be understood holistically and in a manner which is grounded in the international human rights framework. These rights entail the ability of women to own, use, access, control, transfer, inherit and otherwise take decisions about land and related resources. They also encompass women's rights to secure land tenure and to meaningfully

participate at all stages of land law, policy and programme development, from assessment and analysis, programme planning and design, budgeting and financing, implementation, to monitoring and evaluation. Women's land rights must also be understood in the context of intersecting forms of discrimination (*see also* chap. III.A.2).

While this publication focuses on women's rights to land, it is also recognized that land is inextricably linked to women's access to, use of and control over other productive resources, such as property, fisheries, livestock and game. Therefore, the publication also uses the phrase "women's rights to land and other productive resources" to reflect this broader context. The publication recommends strategies to be incorporated in domestic laws, policies and programming, as appropriate. States are encouraged to reflect the recommendations within whichever framework best suits their context. Land law is the system of codified rules that are enforced through institutions that govern land tenure. Other types of law, for example marriage and family law are also relevant to the protection of women's land rights. Land policy refers broadly to the agreements, principles or guidelines which aid in the administration of land and other decision-making related to land. Land programming refers broadly to the activities or functions taken to implement land laws and policies, often by specific institutions responsible for such implementation.

The Beijing Declaration and Platform for Action of 1995 includes commitments by States to "undertake legislation and administrative reforms to give women equal rights with men to economic resources, including access to ownership and control over land and other forms of property, credit, inheritance, natural resources and appropriate new technology."

The UN Habitat II Conference in Istanbul in 1996 and its Istanbul Declaration and Habitat Agenda provides a Plan of Action on rights, including rights of women in human settlements development. It commits governments to assure security of tenure and equal access to land of all people, including women and people living in poverty.

In Chapter 2 of the *Women's Manifesto for Ghana* by the Coalition on Women's Manifesto for Ghana, 2004 (second edition 2016) that looks at "Women and Land," it is indicated that land relations are critical for women's rights in Ghana. This is because of the centrality of land as a resource for the livelihoods of the majority of our population. Land is also an important source of food, water, fuel and medicinal plants. Those who control land and its resources also gain social and political power and authority. As such women's unequal land rights affect their access to other resources and their economic, social and political status.

Below is a synopsis of each of the reports identified with a focus on gender and land rights.

3.3.1 Joseph Awetori Yaro, Joseph Kofi Teye & Gertrude Dzifa Torvikey (2017) "Agricultural Commercialisation Models, Agrarian Dynamics and Local Development in Ghana" *The Journal of Peasant Studies*, DOI: 10.1080/03066150.2016.1259222, ISSN: 0306-6150 (Print) 1743-9361 (Online) Journal homepage: <http://www.tandfonline.com/loi/jpps20>

This 21 page paper presents research on three agricultural commercialisation models in Ghana, a country that has featured among the top 20 hotspots of transnational land deals globally (Kachika 2010). The three cases selected are: NORPALM, which runs an oil palm plantation in the Western Region of Ghana; Blue Skies, which contracts fruit growers in the Eastern Region; and mango farmers in a commercial farming scheme in Somanya, also in the Eastern Region. The paper asks which agriculture model generates more employment, reduces inequality in access to land and enhances livelihoods and local linkages. The paper explains the effects of the three commercial farm 'models' on the people who participate in them as labourers, contract outgrowers, or independent small and medium-scale commercial farmers, and on households that happen to be in the vicinity of the models, showing their relative effects.

The Ghana case is useful because, in contrast to many other African countries, to date agricultural commercialisation has been largely smallholder-based, and 80 percent of land is held under customary land

tenure (Kasanga and Kotey 2001; Tsikata and Yaro 2011). While the country has a long history of agriculture commercialisation, processes of land concentration are recent. The large-scale agricultural land deals of the late 2000s were driven by the belief that foreign investments are needed to modernise agriculture. Foreign investors have acquired substantial areas of land in recent years (Boamah 2011). Against this background, Ghana offers a unique setting for an analysis of the impacts of different models of agricultural commercialisation.

Agricultural commercialisation in Ghana is transforming capital, land and labour relations, leading to significant changes in livelihoods and agrarian relations. The in-flow of both international and local capital in rural agriculture is increasingly monetising land and other transactions, changing the rural moral economy. Furthermore, processes of social differentiation, resulting in both accumulation for some and dispossession for others, is occurring with significant gender and age dimensions.

The increasing incidence of land concentration in the plantation and commercial mango area has transformed both land and labour relations, leading to social differentiation. Outgrower systems concentrating on high-value intensive fruit crops are not as disruptive as the other two models and are likely to produce broader opportunities for many poorer families. Medium-scale farms tend to produce the same problems as the plantation, especially for communities in their immediate environments. This dynamic is resulting in a growing inequality in land ownership in the commercial farm area especially, and a pattern of semi-proletarianisation in the villages around these farms. The outgrower area sees a less dramatic effect, as farmers contract less of their land, but there is nevertheless increasing differentiation in the area, with women and youth in particular losing out.

The NORPALM plantation has long been established, and has not resulted in new landlessness, but deprives communities whose lands were taken from expanding their farms and also from enjoying the market opportunities created by the company's processing facilities.

Rather, communities far from the plantation have seen the emergence of medium-scale farms in response to the company's demand for oil palm. Based on pre-existing patterns of inequality, richer families tend to take advantage of the new forces/opportunities while poorer ones are squeezed out and forced to rely on increasingly casualised, temporary employment opportunities. For all the models, the skilled, better paid jobs across the case study sites are only available to a few, and very often taken up by outsiders with the requisite skills. The majority of jobs generated across the cases are, however, low paid, casual and temporary. The agro-processing plant at Blue Skies and the mill at NORPALM employ by far the majority of workers, with more women employed at Blue Skies and more men at NORPALM.

However, part-time work may not be bad, if people also have access to land. Straddling between wage employment and farming is an important livelihood strategy for many poor people, and showed the best food security outcomes, compared to only low-paid permanent employment or only farming on very small plots. Flexible casual labour on farms is important for sustainable livelihood outcomes in rural communities as it enables poorer families to combine wage income with own production, which study shows as key to food security. Assessing the pros and cons of different agricultural commercialisation models thus must take into account the wider livelihood context, and the impacts that go beyond the individual household to the wider economy. Relationships between own farm production, livelihood diversification opportunities and wage employment are key.

Of our three cases, the most equitable dynamic of development was occurring in the outgrower area, where food insecurity, land alienation and processes of proletarianisation were less. Farm production was also flexible, with a mix of cash and food crops, and a certain autonomy around price negotiation and reliance on contracts. There were also growing income diversification and trade opportunities being generated by the growth of commercial agriculture. However, here, just as in the other cases, there are winners and losers, and a growing pattern of social differentiation.

The findings show that differences in households' economic indicators are defined by the type of and nature of integration into the model as labourers, small or medium outgrowers, medium or big commercial farmers, and non-involved but living in the communities. However, the relative benefits and losses to these households are reflective of pre-existing social inequalities and predominant economic structures. In thinking about pathways to agricultural commercialisation, it is these complex trade-offs and contextual factors that must be taken into account. Policy-making must become more sophisticated than suggesting an 'ideal type' model, as each combines attributes of other models and therefore has different impacts for different people in different contexts.

3.3.2 Joseph Awetori Yaro, Joseph Kofi Teye & Gertrude Dzifa Torvikey (2016). "Historical Context of Agricultural Commercialisation in Ghana: Changes in Land and Labour Relation" *Journal of Asian and African Studies* 1-15 © the Author(S) 2016 Reprints and Permissions: Sagepub.Co.Uk/Journals Permissions.Nav DOI: 10.1177/0021909616657368 Jas.Sagepub.Com

This 13-page paper provides a broad review of agrarian change in Ghana by highlighting the major developments in the agrarian political economy and their implications for agricultural commercialisation and its modifying influence on land tenure systems, livelihoods, production systems, social relations, and labour relations. While current land tenure arrangements and labour relations in Africa are often explained in terms of globalisation, we argue that the historical context of agricultural commercialisation in Ghana shows continuities and discontinuities in agrarian relations from the colonial period to the present. We also argue that changes over the years have blended with globalisation to produce the distinct forms of labour relations that we see today.

The commercialisation of agriculture in Ghana has evolved progressively from the colonial era aided by policies of coercion, persuasion and incentives to its current globalised form. The expansion in the range of commodities over time necessarily increased the demand for more land

and labour. The article contributes to the literature by providing great insights into changes in land and labour relations due to increasing commercialisation, and how these enhanced wealth accumulation for the richer segments of society and global capital to the detriment of the poor throughout Ghana's agrarian history.

The paper states that there remains a lack of understanding about how contemporary agrarian forms, processes and dynamics are shaped by the past political economy, cultural and institutional arrangements and to fill this gap, they (the authors) emphasise the interplay of socioeconomic and policy changes since the colonial era that define and shape agrarian relations of production especially around land, labour and markets.

Their analysis focuses on the question 'How does this history shape current commercialisation processes of large-scale land deals in Ghana?' This paper provides an analysis of the major developments in the agrarian political economy at different periods; The policies and pieces of legislation about land and agriculture and implications for agricultural commercialisation and its particular features; land tenure systems; production systems; social relations, particularly labour relations.

They argue that changes in agrarian relations and form in Ghana have been a result of the interplay of tradition and modernity. The state of agricultural commercialisation reflects change and continuity during the last century, involving structural changes and processes in policy, labour, land and markets. The current state of agricultural commercialisation is a function of various models adopted over several decades. Continuity of the processes and relationships between people and capital are important in providing understanding of likely trajectories and outcomes of current commercialisation models. Formal institutions gradually influence informal institutions and in some instances override them by the use of force and indirect mechanisms, such as taxation and incentives.

The paper concludes by stating that the commercialisation of agriculture in Ghana has evolved progressively from the colonial era, aided by policies of coercion, persuasion and incentives to its current globalised form. These have resulted in tremendous transformations in land and

labour relations in the agrarian sector. Both colonial and postcolonial land policies have facilitated the modernisation of commercial agriculture for major export crops.

The traditional arrangements for access to and control over land have altered from free inheritance and gifts to sharecropping systems and now to leasing, renting and sales. The communal notion of land is giving way to an individualistic one, as commercial agriculture mandates tenure security via individualisation and land titles. Production pressure has led to increasing demand for land in a fierce competitive atmosphere where the powerful displace the weak. An increasing trend in land concentration has been noticeable over the decades, culminating in foreign large-scale acquisitions that disenfranchise entire communities. The changing agrarian structures are characterised by a renegotiation of the rules of the game in resource access and political power within society.

The coercion of farmers into cash crop production initially and subsequently through market mechanisms has been aided by land tenure policies that seek to allocate land to rich farmers (Firmin-Sellers, 1995; Kasanga and Kotey, 2001). The monetisation of agricultural relations of production is good news for the neoliberal conception of farmers as entrepreneurs running businesses that respond to global markets. Commercialisation of agriculture is intensifying rural social stratification where farmers who earn more from their produce are able to accumulate wealth to embark on further acquisitions of land and engage in aggressive agrarian expansions. The situation for women has not changed significantly under SAP and post-SAP since a focus on cash crops and the use of custom to legitimise male control over land means peripheral roles for women (Agbosu *et al.*, 2007; Duncan, 2004). Elderly men with traditional titles control land to the detriment of the women, youth and poor.

The expansion in the number of agricultural commodities and area cultivated necessarily increased the demand for more labour. Labour movements and favourable sharecropping systems effectively facilitated

a new agricultural economy of booming cocoa and oil palm exports. Labour movements resulting from colonial coercion gradually changed to economy-induced labour movements as the commodity-producing zones became richer with better amenities than the rest of the country. The initial sharecropping arrangements when land was abundant have gradually given way to wage labour in reflection of the increasing supply of migrant labour and also the displacement of local small farmers. Expansionist agriculture tends to create accumulation of wealth by landowners and hardworking labour in sharecropping arrangements (Hill, 1963; Huddleston and Matthew, 2007).

There is an intricate relationship between land availability and labour relations in agrarian formations. Increasing land pressure creates a larger proletariat, while low pressure accommodates some poor farmers. Also, commercial agriculture led to the loss of control over family labour as Awanyo (2001) observed. The control over a disciplined family labour, especially women's labour, was crucial to the success of commercial agriculture in the colonial and postcolonial eras, but not in the neoliberal era.

The casualisation of labour is a predominant feature of commercial agriculture. The expectations of a thriving employment industry as modern large-scale farms dominate the rural landscape have not come to fruition. The preference for casual labour leaves many without jobs seasonally, with its consequent impoverishment on the population without access to land for subsistence.

The proletarianisation of women has only moved them from one form of exploitation by the family farm, to exploitation by corporate business without the social support systems of the former. The forms of land concentration and labour relations created and enhanced wealth accumulation for the richer segments of society and global capital to the detriment of the emerging poor throughout Ghana's agrarian history. This process has been intensifying over the decades and therefore producing more disadvantaged people as commercialisation accelerates (Amanor, 2005; Asuming-Brempong, 2003; Yaro, 2013a).

3.3.3 J. N. Anaglo, S. D Boateng & C. A. Boateng (2014); “Gender and Access to Agricultural Resources by Smallholder Farmers in the Upper West Region of Ghana” *Journal of Education and Practice* www.iiste.org ISSN 2222-1735 (Paper) ISSN 2222-288x (Online) Vol.5, No.5, 2014

This 19-page paper was financed by the World Food Programme, Country Office, Ghana. The study sought to determine the relationship between gender and access to agricultural resources in the Upper West Region of Ghana. Simple random sampling technique was employed to select 400 farmers disaggregated into men and women from four districts in the region. Statistically significant differences were observed between gender and access to land, labour, inputs and radio, extension agents and input suppliers ($p < 0.05$) while there was no significant difference between gender and access to credit ($p > 0.05$) even though women also have more access to credit than men. It has been recommended that more aspects of the culture of the people be improved to pave way for more access to agricultural land in particular. Levels of credit support are very low in the region and financial institutions need to reduce some of the bottlenecks to allow easy access to credit. Also extension agents should endeavour to educate smallholders on how to access information through electronic platforms and also make them seek more information from input suppliers as the current situation demands

The survey design was used for the study with data collection being quantitative in nature. The quantitative data was collected on access to agricultural resources including access to agricultural information through various means. Questionnaires were used for a face-to-face interview of the respondents. The population of the study consisted of farmers in four districts in the Upper West Region. These are: Nadowli, Wa East, Jirapa and Sissala East. The districts were randomly selected from the eleven districts of the region. The survey covered only four districts because of costs and the sparse distribution of the districts. One hundred farmers comprising fifty (50) males and fifty (50) females were randomly selected from each district making a total of four hundred (400) farmers from four districts in the region. Results obtained from the questionnaires were coded and entered into the computer for statistical analysis using the Statistical Package for Social Sciences (SPSS). Cross

tabulations of variables were done and Chi-Square tests used to establish relationships.

Some of the findings of the research were based on Smallholder farmer's access to resources for agricultural activities and access was analysed and presented under access to land, labour, improved seeds, agro-chemicals, credit and agricultural information. The analysis and results allowed a clearer understanding of the differences and similarities that exist between males and females regarding access to resources for agricultural activities in the Upper West region of Ghana.

On the issue of the relationship between gender and smallholder farmers access to land, the study found that family lands and skin lands are prominent in the Upper West Region, a situation Abdulai, Issaka and Ndekugri (2007) observed in the Upper West Region of Ghana that family lands and skin lands constituted 90 percent of the available lands for agricultural purposes. Both sexes have very good access to land with the men dominating in Nadowli, Wa East and Sissala East. The survey showed that men (71.5%) have more access to land than the women (68%) and showed a significant relationship between gender and access to land. This means that access to land was dependent on gender in favour of the male farmer. Respondents indicated that the male inheritance system does not allow females to inherit land because these lands may be transferred to other families on the death of a husband or when the female goes out to marry from another family.

Secondly, on the relationship between gender and smallholder farmers' access to labour, smallholders need labour on the fields for most manual work such as planting, weeding and harvesting. This labour is mostly in the form of hired or family labour. It has been observed that generally most farmers in the region have access to labour. However, the analysis revealed a significant relationship between gender and smallholder farmers' access to labour implying that access to labour was dependent on gender in this case, with the men having more access than the women. Similar observations have been made about men having more access to labour than females (Dillon and Quiñones, 2010) with the FAO (2011)

indicating that female-headed households face more severe labour constraints than male headed households. However, it is likely that since most farmers in the region depend on family labour (FAO, 2011) and the men control the households and by extension the labour force, they would definitely have more access than the women.

Thirdly, on the relationship between gender and smallholder farmers' access to credit the study notes that one of the basic resources necessary for any meaningful agricultural production by smallholders is the access to credit. Smallholder female farmers (19.5%) had more access to credit than their male counterparts (11.5%). Even though there is access to credit in the region, less than 20 percent of the respondents had access to it indicating that access to credit is woefully inadequate.

Results of the analysis showed that there was no significant difference between gender and access to credit by smallholder farmers. Research on access to credit by men and women produced mixed results. FAO (2011), supporting this finding, indicated that credit markets are not gender neutral. Mehra and Rojas (2008) for example observed that women have more access to credit than men while FAO (2012) indicates that while there is little notable difference between men and women's access to credit, market oriented women farmers have significantly better access to NGO and co-operative credit sources as compared to men.

In another situation, credit institutions are believed to ration women out of the market or grant the women smaller loans as compared to men for similar activities (Fletschner, 2008). Thus this finding is still in tune with such mixed results from authors. Fourthly, inputs in the form of improved seeds, fertilizers, insecticides and herbicides are available in the region to both men and women. These inputs are very necessary for crop and animal production. Statistically, there was a significant relationship between gender and smallholder farmers' access to agro-chemicals in the region. Thus men (74%) had more access to the inputs than women (67%) confirming the FAO (2011) observation that there is a wide gender gap in agricultural technologies including improved plant varieties and animal breeds. These gaps lead to gender inequalities in

access to and adoption of new technologies; thus the use of purchased inputs depends on the availability and accessibility of complementary assets such as land, credit, education and labour (FAO, 2011). For example, male-headed households show much wider use of fertilizers than their female counterparts in many countries (FAO, 2010).

Finally the agricultural extension services are meant to assist farmers to adopt improved practices leading to improvement in their yields and subsequent well-being. The study found that more men (73.5%) had access to extension services than women (57%). A significant relationship ($\chi^2 = 12.007$; $df=1$, $p= 0.001$) was established between gender and smallholder farmers' access to agricultural information through Agricultural Extension Officers (AEAs). It has been generally accepted that extension services are more available to men and the wealthier farmers than women. This is because there are more men carrying out extension delivery services than women in most countries and Ghana is not an exception. Even though it was observed that extension services favoured men more than women in many countries (FAO, 2011), Doss and Morris (2001) observed that in Ghana, female farmers in male-headed households have equal contact with extension agents but female farmers in female headed households have much less contact. However, FAO (2011) observed that service providers tend to approach male farmers more often than female farmers because of the general misperception that women do not farm and that there would be a "trickle down" effect from male household heads.

Some of the recommendations made are that more attention is paid to women farmers especially trying to reduce cultural barriers that make them have less access to land. Access to credit is very low in the region even though women were found to have more access than men. Microfinance institutions and rural banks should be encouraged to reduce some of their restrictions to access to credit with emphasis on the complex and tiresome form filling procedures which discourage most farmers from patronising their products. The input supply network should be made more efficient in order for the suppliers to be able to provide timely, affordable and quality inputs and tailored advisory

services which will improve productivity and therefore household incomes. More attention should be paid to access to information through ICTs by first of all, improving extension advisory services, and then advising farmers on how to access information through the radio, Television and the platforms available on mobile phones.

3.3.4 Dzodzi Tsikata & Joseph Awetori Yaro, (2013). “When a Good Business Model is not Enough: Land Transactions and Gendered Livelihood Prospects in Rural Ghana” *Feminist Economics*, DOI: 10.1080/13545701.2013.866261

This 21 paged online publication highlights gender differences because of their relative neglect in the land deals literature. Several studies have pointed out that the gendered nature of land tenure and agrarian production systems means that women and men are experiencing commercial land acquisitions the losses and disruptions, and effects on their productive and reproductive activities – in very particular ways. The article discusses two commercial farming projects at Dipale and Kpachaa in the Northern Region of Ghana that have involved large-scale land deals based on the findings of qualitative research undertaken in 2010 by the authors of this article.

The research employed a case study method using three qualitative data collection techniques: focus group discussions, key informant interviews, and in-depth interviews. The case study method was found to be most suitable for researching a contemporary phenomenon in a real-life context, a context that was not always easy to distinguish from the phenomenon (Robert Yin, 2003; Pamela Baxter and Susan Jack, 2008). Interventions such as commercial farming projects can be difficult to discuss separately from the agrarian political economy in which they are located, as the context itself is also undergoing profound changes. While gender issues were not the sole focus of the research, the researchers examined gender as one of several axes of inequality and difference within communities; and this is the subject of this article.

The two cases allow for a comparison of the land transactions, the business models of the investments, and their implications for local livelihood activities. This also enables an exploration of an influential position in the literature that the business model of a land deal, which includes how local communities are involved in production and profit sharing, can determine whether these differentiates concession contracts from production sharing agreements and joint ventures (Lorenzo Cotula, 2010).

- The case studies, however, show that for both projects, there have been gender differences in the enjoyment of direct project benefits and in the experiences of the disruptive effects of deals on livelihood activities, which have been disadvantageous to women. The two cases cannot be generalised, because they are not representative of the number and range of land deals which have been made in Ghana in recent years. Additionally, they both had problematic outcomes; and one failing could be seen as a weakness of the study itself, as it raises the issue of whether the problems identified were due more to project failure than to project design.
-
- Also, it could be argued that the projects were not active long enough to provide positive benefits. While these points are important, our findings suggest that although some of the problems were on account of project failure and short lifespan, others were due to the nature of land acquisition and the adopted business model. The projects may not be statistically representative, but they reflect the realities on the ground, and therefore provide pointers and questions for future research on the gender implications of land and agricultural commercialization.

The article concludes by stating that the gender differential implications of commercial land transactions are a result of both the pre-existing inequalities in land tenure and agrarian production systems, as well as the failure of projects to take these into account or to mitigate them. Taking account of pre-existing gender inequalities in land tenure and agrarian production systems would have involved paying compensation for the loss of farmlands to those farming on fallow lands belonging to their husbands, taking special care to protect common property

resources, particularly Shea and other valuable trees, strengthening significantly women's participation in outgrower schemes, and ensuring gender equity in access to permanent and casual wage work, and in wages and conditions of service. While this would have increased project costs, benefits to project sustainability and to households and the local economy could seriously outweigh such costs.

The two cases cannot be generalised for all commercial land transactions in Ghana and elsewhere, but they do provide lessons for future land acquisitions in drawing attention to the fact that land transactions in fragile environments with high levels of poverty and significant gender inequalities need more care than is often realized. The notion that vast tracts of land are not being used for productive purposes in those communities has to be replaced with an appreciation of the importance of the commons, particularly for the poorest and most land-hungry of community members. Organic processes of local accumulation can be severely disrupted by a project that replaces smallholder farming with wage labour and other alternatives. At Kpachaa, where some level of medium-scale commercial farming had developed with strong labour and technological synergies with smallholder farming, the project disrupted this, resulting in the loss of possibilities for women to mitigate their disadvantages with regard to land access and independent farming. The Biofuel Africa strategy involved a crop, *jatropha* that was not so easily integrated into the existing production system in spite of the initial attraction of supplementary wages. The lesson here is that commercial farming can be a successful strategy if it is planned in congruence with smallholder agriculture and resource harvesting activities, rather than in opposition to these. The different ways the land transactions under review have exacerbated gender inequalities in land and resource tenures and in livelihood prospects point to the need to pay explicit attention to gender issues in land and agricultural commercialisation – either to prevent or mitigate gender inequalities in project outcomes or, more positively, to enhance gender equitable outcomes. More fundamentally, addressing this issue and other fallouts from commercial land transactions must be part of a broader strategy of promoting agrarian transformation and livelihood equity that requires concerted state-led

action. It cannot rest solely on the business strategies of transnational corporations in search of super profits.

**3.3.5 Elizabeth Ardayfio-Schandorf and Janet H. Momson (2009):
*Gender, the State and Different Environmental Places (Perspectives
from Developing Countries in Africa and Asia)* ISBN 9789964303716**

This book is based on a selection of those papers read, discussed and reviewed at a conference for developing countries. It is devoted to 14 presentations made at the conference organized by the Commission on Gender and Geography organised at the University of Ghana, Legon on the theme 'Gender, the State and Environmental Change' between December 11-15th, 1995. It has a total of 287 pages and 16 chapters.

Papers were presented by researchers from West Africa and South Africa and a good representation from Asia reflecting the experiences of women and men in different places and across the developing world in time and gendered spaces. The aim of the conference was to exchange ideas, provoke thought and initiate debate on developmental options for Gender and the various aspects of the environment over time.

Elizabeth Ardayfio-Schandorf provides the Introduction to the book and here she advances coherent viewpoints in relation to gender, the state and environment in developing countries. She also identifies state policies and interventions as far as Gender issues and the environment are concerned.

The paper by Dr. Kwabena Adjei, the Honourable Minister of Lands and Forestry, is on 'Gender, the State and Environment in Africa'. He raises issues on the responsibility of all stakeholders in gender and environment issues to ensure that policies and plans that are designed for sustainable development help solve the dilemma facing women in their different environments in Africa. The presentation also expatiates on the goals of sustainable development of African societies which are consistent with the realities of women. Again, the paper discusses women's stake in the

management and protection of the environment on which their capacity to support and provide for their families depends.

The paper by Anoja Wickramasinghe is entitled 'Understanding Environmental changes from the Gender Perspective'. The paper discusses the environmental changes from the gender perspective. It refers to the connections between the intra and extra household environments. Empirical evidence is drawn from a study conducted in three (3) communities in Sri- Lanka.

Next, Raju Saraawati looks at the 'Capturing Complexities: A Critical Re-thinking on Ecofeminism and Gender'. The author wonders why women are perceived to be so concerned about the environment. In doing so the explanation concerning the special bond between nature from mystical ideologies and its implications for women and their environment and conservation were mentioned.

The next paper is a case study undertaken by Rohanna Illuwishewa on "Development, Environmental Degradation and women's access to water: A case study in the Kirindi Oya irrigation and settlement project in Sri-lanka". This study examines with special reference to an irrigation and settlement project in the dry zone of Sri-Lanka, how irrigation development deprives women of their access to water, and causes water scarcity which in turn results in other adverse impacts on women.

Paveen Nangia and T.K Roy examine the existence of Gender disparity in growth and developmental opportunities for children in India, in the paper entitled "Gender disparity in the Development Opportunities for children in India". In this paper attempts have been made to reveal the differential patterns of gender as were reflected by variations in childcare, nutritional status of children, child mortality and educational attainments at the state level.

Climate change and gender relations in the Sahel, is the paper presented by Prof. Edward Ofori-Sarpong who analyses the relationship between

gender and climate change and the implications for health, water supply and food security in the Sahel.

The paper by Lewis Enu-Kwesi, A.A. Oteng Yeboah, J. K Adomako and D.K Abbiw is entitled "People, Logging and Changes in Environment of Selected High Forest Ecosystems in Ghana". It is argued in this paper that the mobilisation of rural women in the immediate post-felling operations of loggers to pick up or collect such unutilised remnants for use as domestic fire wood either reduce or eliminate wastage, which are usually associated with tree-logging, a male dominated activity.

The paper "Women and Natural Resources Management: Its implications for Sustainable Development in Africa" written by Geo-jaja, provides an overview of African women's "struggle" for equality and full participation in the "people centred" sustainable development. It further reviews women restrictions and subordination to their male counterparts and its implications on their levels of economic and social development within the African cultural and religious environment.

Nana Kwesi Abayie Boateng looks at Queen mothers and the Conservation of the Environment: A study in Ecofeminism". The study dilates on how female traditional leadership could be used as a focal point, to mobilise the female population in conserving the environment. The study also examines various economic activities which the concept of patriarchy has assigned to female population within the environment.

Mariama Awumbila's paper on "Women's Work and Access to Resources in a Stressed Savanna Environment in Ghana", focuses on the issue of resource access and gender conflicts in the context of a deteriorating savannah environment. It further examines gender inequalities in access to production resources and argues that gender inequalities are usually compounded through crises such as environmental changes. It also looks at household strategies adopted by women to gain access to proactive resources and maintain the resource base in a period of diminishing incomes and declining quality of life.

The paper written by Eric Quaye focuses on “Biomass Energy and Environmental issues: the perception of Rural Women in Ghana”. In this paper, the author identifies and analyses the relationship existing between women’s exploitation for biomass energy and the damage caused to the environment through their farming practices and wood harvesting activities. It also examines the environmental literacy of women on the harmful effects of biomass energy production and consumption as well as socio-economic issues.

Danile Buor’s paper is entitled “Population Growth, Depletion of Water resources, and the betterment of Women in Kumasi Metropolis of Ghana”. It examines the effect of water scarcity due to population growth, and some enumerated forces in Kumasi Metropolis on the advancement of women in a socio economic environment.

The paper by Clara Fayorsey is on the “Socioeconomic Environmental and Gender issues Among the Adolescent Traders in Ghana”. This paper analyses gender issues among adolescent traders within the broader framework of the concept of the environment. It further draws attention to reproductive health problems which are mainly associated with sexual permissiveness and promiscuity especially among the street youth.

In the paper “The impact of environmental Degradation on Women and Children in Nigeria: Women’s Role in the Amelioration of the Problem” the author, Rita Hedo Ndidi looks at the various effects of environmental degradation on the less privileged and the vulnerable members of the Nigerian community.

Finally Yomi Oruware takes a critical look at the “Gender Environmental Management and Urban development in Nigeria: A case study from Port Harcourt (Elechi Beach Waterside).” The study highlights the environmental problems emanating from urban development.

3.3.6 Beatrice Akua Duncan: (2004) *Women in Agriculture in Ghana*, (Copyright Friedrich Ebert Stiftung), May 2004, 2nd Ed. ISBN 9988-572-85-9

This Study was commissioned by Friedrich Ebert Stiftung (FES) and the Federation of International Women Lawyers (FIDA) in 1997. It has 119 pages and 8 Chapters.

Chapter 1 of the book is the introductory chapter which includes the methodology and also key findings.

Chapter 2 of the book focuses on the subject of making women farmers visible in economic development. Some of the off-farm activities of women such as caring for children, cooking, sale of food and head loading of farm produce are seen as non-monetised and economically unproductive activities which are not given any consideration by policy makers in the compilation of national income statistics. This neglect is due to the perpetuation that these roles have no impact on productivity as well as the general unavailability of data disaggregated by gender on gender roles in Ghana and their impact on female productivity.

Chapter 3 seeks to describe the Rights of Women in agriculture from a historical perspective by using the three periodic breakdowns: pre-colonial, colonial and post-colonial eras as land marks. The historical approach underscores the essential facts that the situations and conditions of women in agriculture have assumed different dimensions under each of the three dimensions. Such an approach is vital for a proper analysis of women's rights in the context of agriculture.

Chapter 4 focuses on the area of Rural, Urban and Regional differentials on the question of poverty. Agriculture and Poverty are both rural phenomena and therefore greatly determine the status of women in Agriculture who are mainly rural based food crop farmers. The chapter ends with an attempt at showing how imbalances in rural and urban development reduce the ability of poor women to access social services.

Chapter 5 deals with the access by women to the means of production and discusses female farmers in relation to the essential tools of production and the impact of the inadequacies in the current distribution

of critical inputs such as land, credit and extension services on their levels of production.

Chapter 6 is devoted to a discussion on the customary laws affecting the property rights of women in agriculture with a particular reference to marriage, divorce and death of a spouse. It argues that marriage, divorce and death are key determinants of women's continued access to land and whereas they may have initial security of tenure of land during marriage, this tends to whittle away upon its termination either through death or divorce.

Chapter 7 of the book is a discourse on the Role of the Ministry of Food and Agriculture (MOFA) as the primary institution responsible for the advancement the cause of women in Agriculture. It examines the resource capacity of the Ministry to deliver essential services to women farmers. It notes that the Ministry suffers from a shortage of skilled qualified and professional staff such as graduates from institutions of learning who normally do not seek employment with the ministry. Besides the problems with manpower shortage, is the gender imbalance existing within the employment structure of the Ministry and all other Allied agencies.

Chapter 8 finally deals with conclusions and recommendations which reflect the need for legal and policy reform in addition to specific areas that concern women farmers.

Some of the recommendations include the following:

- Law reform and the review of existing laws to improve women's rights and access to land and awareness to increase and restore trust in the justice system
- Further research to be carried out by the Ministry of Food and agriculture (MOFA) to ascertain the extent to which rural women benefit from the extension services in the country.
- There should also be education to establish the importance of fertilizer use as yield improvement mechanisms to the women engaged in agriculture.

- The changing trends in polygamy is also noted in the sense that studies have been carried out and proven that the extent of polygamy and traditional practices slow down the rate of advancement for women in Agriculture.
- Policy reform is also needed in the areas of the recognition of the non-monetised areas for women works such as domestic chores, head loading of farm produce and sale of farm produce.
- An improvement of the prestige of farming as an occupation is also needed and could begin from the primary level of schools where students will be exposed to the diverse benefits of being a farmer.
- Steps must also be taken to address the socio-economic imbalances in development at rural urban levels and between the regions to empower people to have the access to basic services such as health, education, sanitation and water.
- The preparation of the Gender and Agricultural Development Strategy (GADS) is to be commended as a bold step towards developing gender sensitive programming in the agricultural sector for its effectiveness, the document should be widely disseminated among staff and strategies and work plans designed to integrate the document into the workforce agenda.

3.3.7 The Coalition on the Women's Manifesto for Ghana, 2004, Second Edition, 2016, ISBN 9988-8212-8-X S (2016)

The Women's manifesto is a political document and sets out the critical issues of concern to women in Ghana and also makes demands for addressing them. It is made up of a preamble and ten (10) sections in the following themes: Women's Economic empowerment; Women and Land; Women, Social policy and Social development; Women in politics, Decision making and Public life; Women, Human Rights and the law; Discriminatory Cultural Practices; Women and media; Women, Conflict and Peace; Women with special needs; Institutions with a mandate to promote Women's rights.

The printing of this document was funded by Friedrich Ebert Stiftung and the Coalition on the Women's Manifesto was hosted by ABANTU for Development. It has 74 pages and 11 sections.

Each section begins with a gender analysis of the problem. Following the analysis is a section containing concrete demands on the government, political parties and Ministries, Departments and Agencies (MDAs) meant to address the situation within a specified time frame. Section 1 of the Women's Manifesto highlights Women's Economic Empowerment.

Section 2 of the Manifesto discusses Women and Land. It looks at Land Tenure, Administration System and Women's rights. It states that land relations are critical for women in Ghana because of the centrality of land as resource for the livelihoods of the majority of our population. Land is also an important source of food, water, fuel and medicinal plants. Those who control land and its resources also gain social and political power and authority. As such, women's unequal land rights affect their access to other resources and their economic, social and political status.

Even though there are Constitutional provisions that protect women's rights, some of which are spelt out in Articles 35(1) and 36(7) of the 1992 Constitution of Ghana, land tenure and the administration system in Ghana face serious problems which undermine these constitutional guarantees.

Some of the land problems include growing land scarcity, competition over land use and environmental land degradation, general indiscipline in the land market, determinate boundaries of customarily held lands, a weak administration problem and the lack of equity in land tenure systems. Additionally legal pluralism, which is a legacy of colonial rule, characterised by the co-existence of British derived land interests and customary land tenure interest have all reduced women's secondary land interests.

There are also land tenure problems specific to different locations and conditions which require attention. These locations and conditions

include rural, peri-urban, and urban areas. Northern and Southern Ghana are patrilineal and matrilineal inheritance systems. Areas of the country where there are mining and logging activities and large projects such as commercial plantations and dams are also included in the problem.

Policies under the Structural Adjustment Programme (SAP) have resulted in a massive expansion of large-scale surface gold mining and increases in the activities of small scale miners. There is an increased interest in the acquisition of large tracts of land by locals and foreigners for commercial farming, industry and real estate.

There are different categories of land users who face problems of access and control. Women are an especially vulnerable group in this regard. As family members, women experience discriminatory customary practices. Particularly in agriculture, women's contributions are devalued. Their interests in family lands are limited by marital residence. They are often given land of poor quality and size. The clearing of land is customarily assigned to men as this establishes the most important individual interest in land and affords them the use and control of the land. This has prevented the majority of women from securing control over virgin land belonging to their lineage.

Marriage is probably the most important source of farming land for women because it's within this context that women can work and live. The interests in spouses in each other's lineage land are quite well established and offer some measure of security of tenure. However, the interest in land acquired through marriage is inferior to that acquired through family membership.

In addition, access to a husband's land depends on marital residence, the continued existence of the marriage, the goodwill of the spouse and the size of the land he is entitled to. A wife's duty to work on her husband's farm affects women's attempts at farming for themselves and, therefore, their ability to use available land. Men do not have similar responsibility

to their wives and, therefore, have more freedom to concentrate on their own farming.

In situations of marital conflict or divorce, the insecurity of a wife's interest in land belonging to her husband becomes quite clear, when such women return to their family compounds; they lose out on land they farmed and developed during marriage. This is because customary law does not recognize marital property or non-monetary contributions to the acquisition of property during marriage. Even though widows might benefit from their children's inheritance, the fact that they cannot benefit from their husbands increases their social vulnerability and poverty. Article 22(2 and 3) of the 1992 Constitution regulates the property rights of spouses and this is to ensure equal access to property acquired jointly in marriage and to ensure equitable distribution of such property acquired jointly at the dissolution of such marriage.

Some of the recommendations for land tenure include a land tenure reform by the Land Administration Project (LAP); Reform of customary laws of access to land and inheritance which are discriminatory and unconstitutional; the equal participation of women and men at national, regional and local levels.

3.3.8 Nii Ashie Kotey, Mark Owusu Yeboah: Peri-Urbanism, Land Relations and Women in Ghana, Access to Justice Series, Ministry of Justice, GTZ Legal Pluralism and Gender Project, Ghana No 1 (May,2003)

This Access-to-Justice paper has been produced under the auspices of the Office of the Attorney General and Ministry of Justice in the framework of the Sector Advisory Project of the Federal Ministry of Economic Cooperation and Development (BMZ), implemented by German Development Cooperation (GTZ). It has 74 pages and 5 chapters.

In its introduction (Chapter 1) the paper describes the problem of Peri-Urbanism in Ghana and the plan for its research design. Chapter 2 undertakes an extensive review of literature on Peri-urbanism as a

phenomenon in land management and land use in Ghana. The impacts of the phenomenon on Women's rights in access to land has also been discussed in this chapter. The findings of six case studies in Kumasi and Accra dealing with issues such as the settlement history, land ownership and access rights, security are all discussed in chapter 4; a summary of the synthesis and thematic analysis of the case study done in chapter 3 and they are as follows: Peri-urbanism as a growing phenomenon; Land conversions with its declining security of customary occupants; Landlessness in Peri-urban areas; Peri-urban developments and vulnerable groups; Changing livelihoods; The National Land Policy and the Peri-urban relations; The Legal and Institutional framework in Land Management; The Administration of land in Ghana; Shortcomings in the land Management System, and Planning in Peri-urban areas. In the final chapter (5) the findings and policy recommendations are set out.

Some of the recommendations include: the retention of the State in the regulatory role in the disposition of stool Lands to provide a degree of protection to rural livelihoods; The institution of a legal framework to provide local communities clear responsibility for land and natural resources; the establishment of a monitoring mechanism within which the traditional set up to create awareness and gender sensitive land management policies/the promotion of good governance among traditional authorities of common pool resources such as land.

Others include the strengthening of Community Based Organisations (CBOs) as advocacy networks to play advocacy for land rights on behalf of the marginalised in the community, advocacy for a legal provision to capture and formalize legitimate customary rights in formal law, review land policies and legislations to strengthen the rights of the poor, landless women and marginalised groups, equitable planning to ensure adequate supply of land zoned for agricultural purposes and finally the planning of a participatory land use which balances the needs of different land issues critical to ensuring Women's sources of livelihood.

3.3.9 Tsutomu Takane: (2002) *The Cocoa Farmers of Southern Ghana (Incentives, Institution and Change in Rural West Africa)*, Institute of Developing Economies Japan External Trade Organisation . ISBN 4-258-52037-3 C3033

The purpose of this book is first to clarify how various non-price factors such as indigenous and land tenure systems and gender relations influence the production incentives of individual farmers. Secondly, to contribute to an understanding of historical changes in Cocoa production by Ghanaian smallholders. This book has 119 pages and 6 Chapters.

Chapter 1 highlights the introduction, details about the methods and study locations and an outline of study locations.

Chapter 2 focuses on various agrarian contracts in Cocoa production in Ghana. Section I categorized labour contracts and reviewed ways of obtaining usufruct right to land. Section II clarified the two types of share contracts widely practiced in cocoa production; *nhwesoo* and *yemayenkye* which provide both the Landlord and the tenants various incentives that are often related to villager's cycle.

The third chapter of the book presents a detailed analysis of land related institutions and rights with specific references made to the following three points; first, that land rights in Ghana are held concurrently by multiple parties such as the traditional divisional chiefs, citizens and their lineage members. Second, the presence of the concurrent land right claims held by several people means that there is diversity and flexibility in the degree of control that the individual farmers exert over land. The strength of the control that a farmer can exert over land depends on factors such as extent to which control is exerted by other parties, methods of acquiring land and the nature of the land rights. Third, is the intertwining of the claims of rights from three groups, (wives, children and lineage members) when land is transferred from lineage members.

Section I of this chapter reviews land tenure systems in the surveyed villages based on customary law in Ghana. The second section analysed

the characteristics of this system which revealed the diversity of land rights and concurrent claims to land by multiple parties. Section III analysed the relationship between the indigenous land tenure systems and the Land Title Registration Law of 1986. Section IV raises the possibility that land holding in cocoa growing villages in Ghana is moving toward averaging and downsizing through fragmentation of land and dispersal of land holding rights to right to non-lineage members.

Chapter 4 discusses the relationship between cocoa production and gender with particular emphasis on rights relating to labour and land. The chapter is analysed based on four perspectives. First that there are multiple economic units within a household. In rural areas of Ghana, a household that functions as a single production, consumption and income pooling unit is the exception rather than the norm. The clarification is made of between gender and production by examining the various socioeconomic relationships that exist within households, rather than taking the household as the smallest unit for analysis. Second, economic relationships within the household are based on the coexistence of conflict and cooperation and contractual transactions and altruism. Third, the distribution of land rights within a household has a major influence on socioeconomic relationship among household members. Fourth, women farmers, far from being a homogenous group, exhibit a variety of socio-economic differences among themselves such as age, degree of labour contribution to husband's farm and allocation of land rights within the households. The chapter concludes by highlighting the disparity between men and women through the analysis of the unequal distribution of access to and control over land and labour.

The fifth chapter of the book examines the structure of economic inequality and focuses on two points. First that the relationship between individual economic status and access to land and control over land and labour. Second is the relationship between socio-cultural factors such as gender, villager life cycles and economic inequality.

The sixth and final chapter concludes by stating that the analytical focus of the book has been on three points; the pattern of resource access and resource use of farmers, indigenous use of farmer and indigenous institutions influencing production incentives and the power relationships involved in small holder production.

3.3.10 Dzodzi Tsikata: (2001) Gender Training in Ghana: Politics Issues and Tools ISBN 9964-978-76-6.

This book was published by Woeli Publishing services and marketed overseas by African books collective. It has a total of 441 pages and 17 chapters. Three institutions collaborated on this book project. These are the Development and Women's Programme (DAWS) of the Institute of African studies (IAS) and the Institute of Statistical Social and Economic research (ISSER) and the Third World Network-Africa. It was funded by DANIDA and British Council. Additionally it was supported by the Canadian Development Agency (CIDA), Save the Children Fund and the Netherlands Co-operation Agency (SNV).

The main aim of this book includes to set out the politics and practice of gender training in Ghana and provide information about gender trainers, researchers and PR actioners as well as Institutional resources.

The book is divided into four major parts. The first three chapters make up the first part of the book and set the tone for the context within which gender training is done. Chapters four to nine which form the second part of the book discuss the experiences of gender trainers in the training of different groups of people which include: development administrators in public, private NGO institutions; rural development planners, rural development managers; technical officers and field assistants; women's groups, women's political aspirants, elected office holders and representatives of political parties. The training experiences occurred in Northern, Ashanti and Greater Accra Regions. Part three of the book which is Chapters ten to sixteen discusses gender analysis and training tools designed and or used by particular gender trainers. These include a

presentation of Gender issues in Ghana, social impact analysis, institutional analysis, policy analysis, role play and case study, developmental as well as gender sensitive planning.

The final part of the book is a directory of gender trainer's. The directory, which has two parts – one for the individual trainers and researchers and the other for institutions and resources is a work in progress. The directory has 26 individuals and 16 Institutions which all need to be regularly updated.

Some of the lessons learnt from the training experiences are; the need to understand the training context by both the trainer and those being trained. There is also the need for follow up and post training assessments. The change of training strategies and tools should also be taken into consideration as well as the attitudes of the participants to Gender training.

The book proposes solutions to the above mentioned lessons and these include the improvement of quality of teaching and learning, as well as management and also improving access and participation of training programmes.

3.3.11 Martina Aruna Padmanabhan: (2000) Gender Relations and Agricultural Innovations in Northern Ghana .ISBN 3-8258-6368-9

This 255-page book with 9 chapters is part of the Rural Gender Studies Band 3 and was published by Transaction Publishers in Rutgers University (USA).

This book analyses the relationships between gender relations and agricultural innovations in northern Ghana. The category gender is regarded as a social construction. In order to be able to perform gender analysis, cultural knowledge is indispensable. In the same sense, the cultivation of new crops requires knowledge and practice; therefore, the manner in which actors deal with knowledge plays a major role. The key point of interest is the question of how innovations in agriculture can

serve to construct gender and vice versa, how existing constructions influence the practice of innovations.

Chapter 1 of the book is the introductory chapter which gives details about the aims and rationale of the study as well as the chapter details.

Chapter 2 considers the theoretical background necessary to investigate agricultural innovations and gender relations. It introduces conceptualizations 'at gendered interfaces'. The general approach is an actor oriented one, derived from Long (1992). Farmers and researches alike interact at interfaces, where their life - work meets.

Chapter 3: The pursuit of Agricultural Knowledge, provides insight into the situation of agricultural research in Northern Ghana. The historical and cultural conditions for this investigation are analysed with respect to the colonial roots of academic interests and their development under the independent republic. The conceptualisation of agriculture as a system, as in the farming systems research approach.

Chapter 4: 'Touching the ground': the process and methodology of field work, it becomes apparent how the research is related to Institutional framework. In order to work on the base of grounded theory (Glaser; Strauss: 1967), a qualitative research process methodology has been selected. The adoptions and adaptations of agricultural innovations are identified in the actual cultivation practice. A sequence of tools from the Participatory Rural Appraisal (PRA) results in the selection of three research guiding 'index plants'. The cowpea, the onion and the soybean are the crops of reference for analysing the construction of gender through their cultivation practice. Methods such as participant observation, different forms of interview techniques and further PRA exercises are presented in their application to Northern Ghana. The analysis of the collected data according to the coding paradigm of the grounded theory (Strauss 1987) is supported by the software ATLAS.ti (Muhr 1997) for qualitative data.

Chapter 5 'picking the Pods of Cowpea in Dagbon: Being in a position to negotiate' presents the first case study on the agricultural innovation cowpea. The Dagomba people inhabiting the area of Dagbon in the administrative Northern Ghana grow this improved variety of the bean. Women's favourable position for negotiating over the benefits of the cowpea cultivation is a result of the construction of gender in Dagbon. Gender relations are conditioned by women's biographical mobility. New agricultural knowledge is transferred primarily by female brokers. Participation in the male-appropriated cowpea is granted by the women's strategic female trading economy. Still, direct access to necessary technology and inputs is a privilege for farming men, with the consequence of an increasing monetisation of agriculture.

The second case study is elaborated in Chapter 6, 'peeling the layers of the Toendema onion: No secure claims'. The onion and its cultivation by the Kusasis in the Upper East Region in Northern Ghana provide material. No secure claims can be made by Kusasi women to the profits of the men's cultivation of the bulbs. A condition for this phenomenon is the compulsory residence within the construction of the female gender. The lack of recognition of women's knowledge hinders them from its practice. Nevertheless, vibrant female farming stresses the importance of agriculture for women. The almost total exclusion of women from the innovation of the onion is a perpetuation of their dependency.

Chapter 7, 'the Knowledge of the Economy of Soybeans: Fermenting the symbol of power', provides a comparison of both regions under consideration, since it presents data on the cultivation of the innovative soybean in Dagbon as well as Kusasiland. The bean represents a substitute, supplemental to the traditional soup ingredient *kpalago*; therefore, it is of special interest to women farmers. One can speak of a knowledge economy evolving around soybean, since moral norms regulate the transfer of cultivation and processing information. The modern-stockcube presents a further option for replacing home-made *kpalago*. This possibility introduces further aspects of change into a relationship between different generations of women.

In Chapter 8 'The construction of Gender and Innovations', all empirical evidence from preceding case studies is discussed with regard to theoretical interests in knowledge and gender relations. The local differentiation of the innovative crops into the categories of 'staple' connoting male appropriation, and 'soup' connoting female appropriation, sets the base for trans-regional analysis of cowpeas and onions. The identification of the crop as men's staple food or women's soup ingredient decides on the assignment of relevant knowledge to a gender. With respect to negotiations between men and women, the 'staple' innovations unfold a transformational potential regarding the existing construction of gender but the 'soup' innovation is able to induce transcending changes for the women farmers, altering gender relations. These processes are accompanied by constant negotiations in both categories of innovations. Conclusions for theory, research practice and policy formulation are also drawn.

Chapter 9, 'Knowledge and Gender.' Hardings (1990a) epistemological questions regarding knowledge are taken to extract the interactions between gender relations and agricultural innovations. The consequence of a gender-specific distribution of knowledge is to provide chances for participation in Agricultural development for male and female farmers alike.

Some of the recommendations made are as follows:

- The gender specific identification of innovations and the resulting distribution of knowledge bear consequences for the practice of agricultural research and extension in Ghana. Development of innovations must take into account the existing discriminating conditions of men and women. Utmost priority must be given to the familiarisation of women with technologies like application of chemical fertilizer, handling of agrochemicals and ploughing with bullocks.
- There should also be the involvement of female farmers from the formulation of the research agenda up to carrying out the research because this enhances the adequacy of the research and the innovations which become realistic options for female farmers.

- Agricultural research also needs to concentrate on low-budget innovations if they want to include the resource poor women farmers in their group of beneficiaries.
- The important issue of property rights lies at the heart of all effort, an improvement in the female property rights would have an enormous impact on the innovative and productive capacity of women.

3.3.12 Gracia Clark: (1994) Onions are My Husband - Survival and Accumulation by West African Market Women, ISBN 0-226-10779-5

This study was carried out by Gracia Clark, an associate Professor of Anthropology at Indiana University in 1979. This book was printed in the United States of America and has 464 pages and 6 chapters.

The book is divided into 4 consecutive parts, according to the broad or narrow focus of their chapters. The first part features the market-placed system as a heterogeneous whole, setting in Kumasi Central market in its commercial context visually, spatially and historically. The second part of the book drops down to the smaller units of individuals and enterprises within the market, describing their behaviours and intentions and their internal dynamics. The third part concerns middle-level organizations within the market, including informal networks and formal commodity groups. The fourth part shows how these small units and the market place system are imbedded in broader regional and national processes of state and class formation and the renegotiation of gender, lineage and ethnicity.

Chapter 1 of the book offers a visual and interactional introduction.

Chapter 2 explains the regional network of markets in other cities, towns, villages that link Kumasi to farming and consuming areas across the country. It draws heavily on regional analysis pioneered by Skinner and Smith, as later elaborated with reference to World Systems theory (Smith 1972 and 1984a; Skinner 1964-65a, 1965b, 1985). The central location of Kumasi Market privileges it within specific urban/rural relations.

Chapter 3 considers the historical process through which contemporary market institutions and relations have been constructed. The long history of international and local trading in this part of West Africa presents both substantial continuities with the past and a series of dramatic transformations in trading patterns. Looking at these changes through the lens of political economy identifies key resources, actors, and trends that help explain current change processes.

Chapters 4 and 5 delve deeply into the technical aspects of trading in Kumasi Central Market—The way individuals and enterprises carry out their routine transactions. In these daily processes, never quite repeating themselves, the multi-dimensional relations of power are manifested in the market context. The balances of power according to gender ethnicity and wealth are also contested at this level, primarily through daily processes, in the continual see-saw of seasonal and individual variation. Whilst Chapter 4 outlines the conventional procedures traders need to manipulate, Chapter 5 outlines the resources, both material and cultural, needed to manipulate those procedures successfully. Comparisons with detailed trading in other locations are important here to assess the implications of variations achieved, abandoned, or attempted. Policy interventions generally aim to address such operational constraints and needs.

Chapters 6 and 7 look at the organizational structures and practices through which the traders manage these resources. The first considers vertical and horizontal principles of organization within the Kumasi market that involve traders as individual builders as group members.

Chapter 7 focuses on the leaders of formal commodity groups, who negotiate publicly on behalf of traders. Both theories and comparative cases that consider principles of group formation, dispute settlement and leadership and stratification are incorporated here.

The next three chapters broaden the focus again to include the wider context of ethnic, community, national and gender identities in which market women participate. Chapter 8 considers the population from

which Kumasi Central Market traders are drawn to establish multiple identities on which they can draw for resource supporting their trading position, or which can undermine that position. Chapter 9 examines in detail the family position of Asante women, the predominant trading group, as their families both provide and demand valuable resources from them. Theoretical discussions of domestic labour and gender are brought to bear on material from the many other ethnographers of Asante who analyse kinship and marriage, as well as the material gathered in the course of this study.

Chapter 10 looks at the ambiguous relations between market traders and various parts of the state apparatus, which have protected them, depended on them and preyed on them in shifting configurations. The book returns to a focus on international levels on political economy in order to look at international as well as local pressures which the government still continues to respond to under structural adjustment. In Chapter 11, the different standards of subordination and power are woven together in a provisional assessment of current directions of historical movement and the potential they contain for traders social action within them.

3.4 Review of Literature on other Social Inclusion and Land Governance Issues

Apart from discrimination based on gender, existing literature shows that there are other social inclusion issues with regard to land governance. This includes Persons with Disability (PWD), children, the youth, religious minorities, strangers or non-indigenes among others. Children can only own land through older people who hold it in trust for them. This section looks at PWD and land governance.

Disability is one of the grounds on which persons are discriminated against. This section looks mainly at land governance and disability issues even though reports dealing with other social inclusion issues are mentioned as well.

In a report on World Disability written by The World Health Organisation and World Bank Group (WORLD HEALTH ORGANISATION AND WORLD BANK GROUP: WORLD REPORT ON DISABILITY, 2011) they discuss issues of disability in the world. It has nine chapters and 350 pages and was published in 2011.

It indicates that more than one billion people in the world live with some form of disability, of whom nearly 200 million experience considerable difficulties in functioning. In the years ahead, disability will be an even greater concern because its prevalence is on the rise. This is due to ageing populations and the higher risk of disability in older people as well as the global increase in chronic health conditions such as diabetes, cardiovascular disease, cancer and mental health disorders.

Across the world, people with disabilities have poorer health outcomes, lower education achievements, less economic participation and higher rates of poverty than people without disabilities. This is partly because people with disabilities experience barriers in accessing services that many of us have long taken for granted, including health, education, employment, and transport as well as information. These difficulties are exacerbated in less advantaged communities. To achieve the long-lasting, vastly better development prospects that lie at the heart of the 2015 Millennium Development Goals and beyond, we must empower people living with disabilities and remove the barriers which prevent them from participating in their communities; getting quality education, finding decent work, and having their voices heard.

As a result, the World Health Organization and the World Bank Group have jointly produced this World Report on Disability to provide the evidence for innovative policies and programmes that can improve the lives of people with disabilities, and facilitate implementation of the United Nations Convention on the Rights of Persons with Disabilities, which came into force in May 2008. This landmark international treaty reinforced our understanding of disability as a human rights and development priority. The World Report on Disability suggests steps for all stakeholders – including governments, civil society organizations and

disabled people's organisations – to create enabling environments, develop rehabilitation and support services, ensure adequate social protection, create inclusive policies and programmes, and enforce new and existing standards and legislation, to the benefit of people with disabilities and the wider community. People with disabilities should be central to these endeavours. Our driving vision is of an inclusive world in which we are all able to live a life of health, comfort, and dignity. We invite you to use the evidence in this report to help this vision become a reality.

In Ghana the Persons with Disability Act, 2006 (Act 715) was enacted to address issues relating to the rights of the disabled. It has 8 main sections and calls for a number of actions to ensure the protection of the rights of persons with disability. Key provisions in the law are as follows:

- Section one throws light on the rights of PWDs. It gives PWDs the right to live with their families or participate in any gathering open to the public. It frowns on subjecting PWDs to differential treatment in a residence. It says no person or employer shall exploit or discriminate against a PWD. Where a PWD is to appear in court, such court shall provide the necessary facilities to enable such persons to contribute effectively to proceedings. This section also states that all buildings or services to which the public has access should be made accessible to PWDs. The section ends with penalty for non-compliance of the provisions above.
- Section two highlights issues of employment of PWDs. It states that the state shall establish public employment centres to assist PWDs in securing a job. Government shall not only grant any PWD engaged in business but also any person or corporate body that employs a PWD shall be granted an annual tax rebate or a special incentive. Employers are also to make sure they provide PWDs with the requisite tools or facilities to enable them carry out their duties as employees. It is prohibited under the Act for an employer to post or transfer a PWD to a department or place where he/she would not be able to perform his duties as an employee. If a PWD remain unemployed for more than two (2)

years, the state shall take the name of such a person, give him/her the appropriate training and tools and assist him/her to secure a loan to start business. Any PWD who sells such tools given to him/her by the state commits an offence and is liable to pay a fine. Finally, the state shall establish rehabilitation centres in all regions, districts and communities in Ghana and ensure that PWDs shall be rehabilitated in the nearest centre to foster integration into society.

- Section three concentrates on education of PWDs. Any custodian, parent or guardian who refuses to enroll a child with disability in school commits an offence and is liable to pay a fine or serve a term of imprisonment. The state shall provide the necessary facilities and equipment to enable PWDs benefit from school. The state shall not only provide free education to PWDs but also establish special schools for PWDs who cannot be enrolled in formal schools. It is the duty of the state to provide appropriate training for PWDs who are unable to pursue further formal education. The Act also specifies that no PWD shall be refused admission into school because of his disability. Any school that goes contrary to this provision commits an offence and is liable to pay a fine or serve a term of imprisonment. There shall be established public technical, vocational and teacher training institutions which shall include in their curricula special education. It concludes with the provision that all public libraries shall be fitted with facilities that makes them accessible to PWDs.
- In Section four, the Act talks about transportation for PWDs. The state shall ensure that the needs of PWDs are factored into the design, construction and operation of transportation network. PWDs are permitted to import a vehicle modified or adapted for their use and such vehicles shall be exempt from payment of import duty and other related taxes. Drivers are to stop for a PWD who shows intention to cross a road. The Act is also clear on the reservation of special parking place for exclusive use by PWDs. A PWD may own a driving license upon satisfying all the conditions prescribed by the Driver and Vehicle Licensing Authority. It is also mandatory for all port managers to provide facilities that will

aid the movement of PWDs at the port. All commercial buses shall reserve at least seats for PWDs. Any driver that hits a PWD or a bus that does not reserve at least two seats for PWD commits an offense and is liable to pay a fine or serve a term of imprisonment.

- The Act focuses on health-care and facilities in Section five. It states that the state shall provide free general and specialist care for PWDs. The Act mandates the state to ensure that the study of disability or disability related matters are included in the curricula of training institution for health professionals. It is provided in the Act that health authorities shall organize periodic screening of children in order to detect, prevent and manage disability. The state shall also establish and operate a health assessment centre in every district, where mothers and infants shall be given early diagnostic medical attention to determine the onset of a disability.
- In Section six, some miscellaneous provisions are provided. It provides that any person or organization that manufactures technical aids or appliance for use by PWDs shall be exempted from the payment of tax. It is an offense for any person to call PWDs derogatory names because of their disability. The state shall ensure that the necessary facilities are provided to enable PWDs have access to sports, cultural and festive events. The Act states that law enforcement agencies shall take into account the disability of a person on arrest, trial or confinement and provide for that person accordingly.

For the purpose of this study, the review of the Act ends with the transitional provision which states that all buildings to which the public has access shall by August, 2016 be accessible to and available for use by PWDs.

As indicated under section 3.1 of this report the ACLP ascertained information on PWD and land and the findings are summarised in Ascertainment of Customary Law Series 3 to 7.

Other available literature on disabilities and land governance are summarised below.

3.4.1 Ghana Federation of Disability Organisations, Report on Expanding Participation for People with Disabilities, Launch of Capacity Building Project for Disabled People's Organisations (April, 2016)

The Ghana Federation of Disability Organizations (GFD) is a national umbrella disability organisation established in 1987 to promote and protect the rights of persons with disabilities in Ghana. The Federation represents the voice and face of persons with disabilities in Ghana. It is a civil society organisation, which brings together the key organisations of persons with disabilities in Ghana to advocate the rights and inclusion of persons with disability in society.

The GFD launched the “*Expanding Participation for Persons with Disabilities*” project to strengthen the GFD and bolster the disability movement and increase the GFD’s ability to effectively monitor programmes and actions to increase the rights of persons with disabilities (PWDs) in Ghana.

This project is sponsored by USAID, and is meant to enhance the capacity of Disabled People Organisations (DPOs) in strategic planning, human rights, resource mobilisation, and leadership skills, as well as foster inclusion of persons with disabilities in programs funded by USAID, host governments and other donors in Ghana and will address organisational capacity building of member organisations and administrative functions of the Federation in order to enhance its capacity to lead and coordinate a country-wide citizens’ actions for the implementation of the United Nations Convention on the Rights of Persons with Disability (UNCRPD), the Persons with Disability Act of 2006 (ACT 715) and other pro-disability policies and programmes in Ghana.

GFD intends to implement the project in all 10 regions of Ghana and will work with regional level DPOs, GFD committees, networks and coalitions as a way of enabling them advocate the human rights of PWDs and their effective inclusion and participation in society at all levels. A minimum of 200 leaders from seven national and district level DPOs will be targeted to enhance their capacity in leadership, organizational development, advocacy, financial management and resource mobilization as well as develop specific strategies/plans, tools and standards to support organisational effectiveness as well as develop standard protocols, tools and processes to serve as a barometer for testing disability sensitivity and compliance to pro-disability policies and laws in government and private sector organizations.

This project will further promote monitoring, evaluation and lessons sharing to enhance the quality of pro-disability policies, and programmes in Ghana.

3.4.2 Report of the Committee on the Rights of Persons with Disabilities, United Nations, 2015

The report by the United Nations Committee on the Rights of Persons with Disabilities covers areas on equality and non-discrimination, women with disabilities, children with disabilities, awareness- raising and equal recognition before the law.

Under equality and non-discrimination, the committee expressed concern about the lack of comprehensive anti-discrimination legislation protecting all persons with disabilities against discrimination on the basis of disability; the lack of an express prohibition of disability- based discrimination, the lack of provisions in legislation which define the denial of reasonable accommodation as a form of discrimination and the fact that the definition is not applicable to all areas of the legislation, inappropriate proceedings and insufficient remedies to deal with cases of discrimination, including the cases of multiple discrimination and intersectional discrimination.

Measures have been put in place to promote the de facto rights of persons with disabilities. The report also expressed concern about legislation allowing abortion up to birth if the foetus has disabilities. The report expressed concern about the persistence of violence against women with disabilities, including sexual violence and abuse, forced sterilization and sexual and economic exploitation; the prevalence of multiple and intersectional discrimination against women with disabilities, on account of their gender, disability and other factors which are not sufficiently addressed in legislation and policies, the lack of or insufficient participation of women with disabilities in decision making processes in public and political, the lack of inclusion of a gender perspective in gender policies, and the lack of, or insufficient, specific measures to promote the education and employment of women with disabilities. Awareness-raising was another aspect the committee expressed concern that campaigns on PWDs should be made aware using the medical model thus limited understanding of the human rights model of the convention among public officials and private actors and in particular on concepts such as reasonable accommodation and disability-based discrimination.

Equal recognition before the law; this reaffirms the rights of PWDs to be recognised as persons before the law and to enjoy legal capacity on an equal basis with others. Legal capacity and mental capacity are distinct concepts; perceived or actual deficits in mental capacity must not be used as justification for denying legal capacity. The removal of legal capacity as a result of considering a person's decision making skills to be deficient amounts to discriminatory denial of legal capacity.

3.4.3 Report on the United Nations Decade of Disabled Persons, 1983-1992 - Manual on the Equalization of Opportunities for Disabled Persons, United Nations, 1986

This is a 27 page manual on equalisation of opportunities for disabled persons which has been prepared within the framework of the United Nations Decade for Disabled Persons by the Department for International

Economic and Social Affairs of the United Nations Secretariat, to be used by consultants advising governments on development of national disability programmes. The preparation of the Manual was made possible through a series of generous contributions by the Government of Norway.

Chapter one of the report highlights the guiding principles for the development of disability programmes and the policies outlined in the World Programme of Action Concerning Disabled Persons with regard to equalisation of opportunities for disabled persons.

Chapter two focuses on issues concerning policies for disabled persons in various sectors, both to assess the status quo and to suggest appropriate lines of action.

Chapter three discusses possible alternatives as a framework for action and it is an attempt made to explore some strategies involved.

The International Year of Disabled Persons and the proclamation of the period 1981-1992 as United Nations Decade of Disabled persons (General Assembly & Resolution 37/53), a number of initiatives in the field of disability prevention, rehabilitation and equalisation of opportunities are being taken in the developing countries, frequently with some involvement from United Nations Organisations and specialized agencies, international non-governmental organisations or through bilateral aid programmes.

The International Year of Disabled Persons, important concepts and principles for approaching the problem of disability gained recognition internationally. The centre for social development and Humanitarian Affairs of the Department of International Economic and Social Affairs of the United Nations Secretariat has been designated as the focal point within the United Nations for co-coordinating and monitoring the implementation of the World Programme of Action concerning Disabled Persons, adopted by the General Assembly in its resolution 37/53 of 3rd December 1982.

This Manual has been developed in order to assist consultants to Governments of Member states in the difficult task of developing national disability programmes, taking into account the recommendation made within United Nations Policy documents such as the World Programme of Action and the Vienna Affirmative Action Plan, prepared by the World Symposium of Experts on Technical Co-operation among Developing Countries and Technical Assistance in the Field of Disability Prevention and Rehabilitation, held in Vienna in October 1981. The symposium placed considerable emphasis on the need for developing countries to cooperate, exchange experiences and use their own resources.

The purpose of the world Programme of Action concerning Disabled Persons is to promote effective measures for prevention of disability, rehabilitation and the realisation of the goals of full participation of disabled persons in social life and development, and of equality. This means opportunities equal to those of the whole population and an equal share in improvement in living conditions resulting from social and economic development. These concepts should apply with the same scope and with same urgency to all countries, regardless of their level of development.

The manual also indicated that equalisation of opportunities means the process through which the general system of society, such as the physical and cultural environment, housing and transportation, social life, including sports and recreational facilities are made accessible to all. Another important concept that is stressed in the world programme of Action is the need for participation of disabled persons in decision making at all levels and the importance of developing organisations composed of or representing disabled persons which should be given an active role in the formulation of disability-related policies and programmes.

The manual also provided that PWDs should remain within their own communities and share in an ordinary lifestyle, with the necessary support, they should take part in decision-making at all levels both in

general community affairs and in matters that particularly concern them as people with disabilities. Also, disabled people should receive assistance as needed within the ordinary structures of education, health, social services etc. and should take active part in the general social and economic development of society and their needs should be included in national planning. Disabled Persons should have adequate opportunity to contribute to national development.

Some of the recommendations made by the World African Programme of Action include;

- The removal of social barriers by changes to general arrangements in society.
- The adoption of measures aimed at assisting individuals with disabilities in making full use of their resources by the necessary support.
- Finally governments are entreated to be involved in the implementation of policies concerning persons with disability.

4.0 SUMMARY OF REPORTS AND PAPERS ON GENDER AND LAND GOVERNANCE WITH RECOMMENDATIONS

4.1 Introduction

This section summarises a number of unpublished reports and papers on gender and land in Ghana focusing in particular at the recommendations made to address the problems that are identified. This issue is relevant to the overall project of 'Addressing Systemic Barriers to Enhance Gender Equality and Social Inclusion in Land Governance'.

Gender is an intersectional problem that cuts across the other vulnerabilities inclusion issues. For instance the problems of women who are disabled may differ from a man with disability. Some of the reports identified looked at these inter-sectional issues and made appropriate recommendations for addressing them. The reports are summarised below.

4.1.1 Report on Land and Agricultural Commercialisation in Ghana: Emerging Employment and Labour Relations (2016)

This 45 page paper was prepared for presentation at the “2016 World Bank Conference on Land and Poverty” The World Bank - Washington DC, from March 14-18, 2016 and was authored by Joseph Teye, Joseph Yaro and Gertrude Torvikey of the University of Ghana, Ghana.

This paper relies on quantitative and qualitative data to analyse the impacts of three farming models – Plantation, commercial farming and outgrower – on employment and labour relations in Ghana, a country that is among the top 20 hotspots of transnational land deals in the World. The paper argues that different farming models have differential effects on employment and labour relations. The commercial farming model tends to generate more permanent employment, income and wider livelihood benefits than the plantation and outgrower models. Increasing casualisation of labour has greatly reduced benefits to wage labour on the plantation and outgrower farms. In all agriculture models, women have less employment opportunities than men because of sexual division of labour and gendered patriarchal traditions. The use of family labour has declined in recent years, as a result of migration of children and household income diversification.

This paper, therefore, examines the effects of three farming models – plantation, commercial farming and outgrower – on land, labour relations, livelihoods and local economic linkages in Ghana, and has also featured among the top 20 hotspots of transnational land deals globally (Kachika, 2010). The paper argues that different institutional arrangements at the local, national and global levels, and the form of business model adopted have differentiated impacts at different levels of society and in different places. The paper is important because Ghana has a long history of agricultural commercialisation (Amanor, 2009). Although subsistence food production was the dominant agricultural system in the pre-colonial era, trade relations between different kingdoms and subsequently with European merchants imprinted a commercial logic to agrarian production in the then Gold Coast.

Three cases were selected for comparative purposes: Norpalm which runs a plantation model in the Western Region of Ghana; Blue Skies which is outgrower model in the Eastern Region; and the commercial mango farmers of Somanya representing a commercial farming area, also in the Eastern Region.

Our plantation case study is Norpalm Ghana Limited (NGL), a 4,500 ha plantation located at Prestea, in the Western region of Ghana. The company was incorporated in 1998 following the government's divestiture of the state-owned company National Oil Palms Limited (NOPL), and began production in 2000. A Norwegian company, Norpalm ASA, owns 68.1 per cent of shares, while a consortium of Ghanaians own the remainder through the company PZ Cussons Industries Ghana. In addition to its plantation, the company has a mill, which processes an average of 70,000 tonnes of fresh fruit bunches per year. The company lies within the tropical rainforest with a relative abundance of minerals, timber and natural conditions for major export crops such as oil palm, rubber and cocoa.

Our outgrower case study is Blue Skies Company Limited, established in 1998, which is located in a Free Zone enclave at Doboro near Nsawam in the Eastern Region of Ghana. It is owned by three individuals, with 10 percent of shares held by a Ghanaian and 40 percent and 50 percent by two British citizens. Only a small portion of fruits processed come from the company's 433ha of land. The factory processes pineapples, mango, pawpaw, coconut and passion fruit for export, drawing over 90 percent of its supply from about 140 outgrowers with farms ranging from 2 to 200 hectares, with whom it has flexible supply contracts.

Access to land has become more precarious for women who seek refuge in wage-labour mostly as casual workers. Although the new market mechanisms for acquiring land may ostensibly be gender-blind, the pre-existing conditions in which women find themselves do not allow them to participate in the new processes of accumulation. They are therefore not necessarily losers but disadvantaged actors with fewer benefits in the commercialisation of agriculture. Their limited capital prevents women

from purchasing land in order to benefit from own-account farming (Amanor-Wilks 2009). Previously, many poor women relied on sharecropping arrangements to access land for farming, but as rental systems took over due to rising land values, women are no longer able to access land, as noted by all focus groups across the three models. Very few women are outgrowers or own commercial mango farms and also own small farms. In the plantation area, however, a few women inherited oil palm farms from their grandmothers as fixed assets as in the case of JoJo (an elderly woman farmer, Norpalm area).

The type of work done by employees in all areas is highly gendered. Women tend to perform tasks that do not require much physical strength but are similar to domestic work, while men perform tasks that are physically demanding. Women are less likely than men to work permanently in all the models because of sexual division of labour on farms. As shown in the statement below by a manager at Norpalm, men are more likely to be employed by Norpalm as permanent workers than women because of the belief that the plantation work is too tedious for women:

When it comes to job seeking, I would say a man is more likely to get a job here than a woman. The work requires a lot of energy and it is stressful so the women are not strong enough for plantation work. The whole plantation has only 3 female workers who are permanent (Menso, male, 32 years, assistant field supervisor, Norpalm, Prestea, 25/05/2015)

Similarly, permanent employment positions in the commercial farming and outgrower areas are usually occupied by young men who clear the farm lands and spray the crops. Some farmers explained that women are only required during harvesting time so it is not advisable to employ them permanently:

Currently, I have 4 permanent labourers who are all males. ...I don't take women as permanent workers because the work is very difficult so it will be hard for the women. We don't like women to spray. Spraying is for men but for slashing and harvesting, we allow the women to do it

(Sacko, male, 62 years old, rich involved mango farmer, Somanya 28/05/2015).

There are also gender differentials in the positions occupied by men and women. In the formal agribusinesses such as Blue Skies and Norpalm, men tend to occupy higher positions than women because the men are better educated. In the case of the individual agribusinesses, patriarchal gendered systems account for the low position of women. For instance, the patrilineal inheritance system, which is dominant in the mango production area, prevents women from inheriting land from their fathers. Consequently, only a few women are owners and managers of farms. Again, as a result of patriarchal norms in all farming areas, men are considered owners (or managers) of family property, including farms even though both men and women may work regularly on these farms.

The findings support the emerging body of literature, which shows that even medium-scale commercial agriculture concentrates land holdings, which necessitates land expropriation (Peters 2004; Tsikata and Yaro 2011). Consistent with the argument that agricultural commercialisation generates employment (Ramachandran 1990; Humphrey *et al.* 2004), this study reveals that all the agricultural models have generated some form of employment for farm workers. On-farm, the plantation and commercial models generate more employment than the outgrower model. However, the majority of workers in the plantation area work on a casual basis. The highest number of processing jobs are in the Blue Skies factory followed by Norpalm. In these plantation and outgrower cases, labour-intensive agro-processing provides an avenue for absorbing surplus labour created by land concentration.

While all models pay employees above the minimum wage, as found in other parts of the world (Mackintosh 1998, Richardson 2010) there are significant wage differentials. Among permanent workers, including at managerial level, the plantation estate provides higher wages, followed by the Blue Skies than the others. Casual workers in the commercial farming area, however, get higher daily wages than their counterparts in the other models. Gender discrimination in employment and wages occurs in all three models showing a continuing trend which

disadvantages women (*see also* Sen and Batliwala 2000; Pepper, 2012). There is increasing monetisation of family labour among wealthy farmers, as the few young people who work on commercial farms of their parents receive some form of cash payment. While some researchers tend to present family farming in terms of a unitary household whereby spouses work together for the common benefit of the family (Byres 2003, Oya 2010), wealthy farmers generally end up “locking out” their wives from the family agribusiness so as to control the income. This pushes wives of wealthy farmers into petty trading.

The impacts of the various models on food security and local economies are complex as there are various pathways. Farmers in all farming areas spend most of their income mainly on food items in the local areas, but commercial farmers spend more on food within their local area than other farmers. Food security is higher for those benefiting from increase in demand for their products by the factories, and also for those who still have enough land for both food and non-food crops, and a combination of casual work and food crop production. Landlessness is correlated with food insecurity where employment is in the low paying tiers. The emerging classes in the rural economy appropriately positions each group in relation to livelihood security.

The impacts of these models of agricultural commercialisation on the local economy are complex. Beyond employment, the models create different forms of diversification in the local economy. Agro-processing has led to the spawning of downstream enterprises. In the fruit growing areas, many women are involved in trading of the fruits. Overall, linkages of mango production with the local economy are fewer as farmers are mainly supplied by established input suppliers from the capital, while their produce is exported or sold to fruit companies. However, their farming activities have brought about infrastructural development in terms of feeder roads, a resource centre and electricity to some communities. Remittances tend to flow more from the plantation and outgrower areas because the estates in these areas also employ labourers from other parts of Ghana and neighbouring countries.

4.1.2 Sheila Minkah-Premo, Land-Rights for Women in Securing Decent and Sustainable Livelihood, Paper Presented at Centre for Gender, Research, Advocacy and Documentation, University of Cape Coast's International Women's Day (March 2016)

This 16 paged paper focuses on women's land rights, the challenges they face with regard to access to and securitisation of interest in land to enable them to secure a decent and sustainable livelihood, the laws and policies in place addressing gender and land issues and it makes recommendations for the way forward.

According to the writer, women's land rights under customary law tend to be predominantly secondary rights, derived through their membership in a household, lineages and secured primarily through marriage. (Dowuona-Hammond, "Women and Inheritance in Ghana," in Kuenyehia A., (ed.), *Situational Analysis of Some Key Issues Affecting Women*, Accra, Women & Law in West Africa (WaLWA), 1998). Such secondary rights of women tend to be very insecure since they are subject to change, are of uncertain duration and are often subject to the maintenance of good relations between the parties involved.

Women's land rights are also dependent on their marital status and therefore determined by the institution of marriage and divorce and its incidents. Invariably gender relations within marriage place a woman in a subordinate position and give her very little security for her land rights. She may lose such land upon divorce or on the death of her husband. Her right to land may also change if her husband marries more women under a polygamous arrangement. In fact in one of the Traditional Areas where a project I coordinated for the National House of Chiefs, called Ascertainment and Codification of Customary Law on Land and Family Project (ACLP) ascertained customary law on land, traditional sayings that reflected this fact indicated in the Kasena-Nankana language that women belonged to the bush as far as land was concerned, since they had no right to inherit their father's land neither can they also inherit their husband's land. The Akans put it in another way with the saying that "*obaa kita tuo a etwiri barima dan mu.*"

With regard to peri-urban land used for farming purposes, a study has shown that women are at a higher risk of losing interest in such lands when developments catch up with such communities and land is given out to developers (Kotey and Owusu Yeboah, 2003). The study funded by GIZ under a Legal Pluralism and Gender Pilot Project which was undertaken in two peri-urban communities near Accra and Kumasi respectively indicate that as long as land used for farming in peri-urban areas has not been incorporated into a planning scheme, both men and women have access to such lands for agricultural purposes. However, all rights previously exercised on the land by individuals are extinguished when a scheme is prepared for the area and developers appropriate their farmlands, which have been demarcated as building plots. This is due to the fact that even if it is deemed to be family land, when negotiating with developers starts, male Chiefs usually step in and together with family heads negotiate with developers leaving most women landholders uncompensated since most of them would not have registered their interest in land. This has implications for sustainable food production and sustainable livelihoods.

Lack of information regarding their rights and how to protect them under existing land laws further weakens the position of women in land matters. In the public or formal sphere, women tend to have a more limited ability to benefit from the formal structures established by the state for ensuring security of tenure, including registration systems and other land sector services. Formal procedures for ensuring security of tenure, including registration processes are often cumbersome, expensive and time consuming (Dowuona-Hammond, 2003). Women have a lesser opportunity of complying with such formal processes because of their limited access to information due to large numbers who are illiterate, and lack of financial resources and time needed for compliance. Most are unable to register their interest in land making them prone to losing such lands against those better informed, with more financial resources and access to registration systems that can secure their title to land.

The general perception that legislation and the courts are meant for the elite, makes the formal laws more remote to the rural poor the majority

of whom are women (Dowuona-Hammond, 2003). Weak enforcement of the statutory laws on land makes it possible for the more powerful in society to pick and choose between the various systems for their benefit and convenience. Inconsistencies and overlaps in the formal regime for the management of land and customary land tenure systems tend to create conflicting results when the customary law and legislative prescriptions are applied. (Dowuona-Hammond, 2003). It also takes years to complete a simple land case, time that rural women can ill afford.

In addition statutory laws enacted to offer better protection for the land rights of women are not easy to enforce. This includes the Intestate Succession Law, 1985 (P.N.D.C.L.111). Furthermore bills introduced in Parliament including the Property Rights of Spouses Bill and Intestate Succession Bill both of which were introduced first in 2008 lapsed and have been introduced again in 2009 and again in 2013 and there is no certainty that they will ever be passed into law.

The Supreme Court has however started using the constitutional provisions directly in cases like **Gladys Mensah vs. Stephen Mensah (2012) 1 SCGLR 391**. This is contrasted with a situation in 1959 where with regard to property rights at customary law, in the case of **Quartey vs. Martey (1959) GLR 377**, the courts summed up the property rights of women as follows:

By customary law it is the domestic responsibility of a man's wife and children to assist him in the carrying out of the duties of his station in life e.g. farming or business. The proceeds of this joint effort of a man and his wife and/or children and any property which the man acquires from with such proceeds are by customary law the individual property of the man. It is not the joint property of the man and his wife and/or children. The right of the wife and the children is a right to maintenance and support from the husband and father.

Even in cases of cohabitation, the courts have been able to protect the property rights of partners when called upon to do so by applying equitable principles to ensure equity. In **Owusu vs. Nyarko (1980) GLR 428** – A woman with whom a man had cohabited for seven years and had

two children helped him to cultivate a cocoa farm. After the breakup of the union the woman sued for one-third of the cocoa farm. The court acknowledged that at customary law, whatever a woman helped her husband to acquire becomes his personal property. However, where there was no proof of actual marriage and the woman was regarded as a concubine, the court held that she was entitled to one-third of whatever she helped him to acquire. Women need to be encouraged to use the courts more to protect their right to land and to investments from the land.

Women are also largely excluded from the policy making space. Even though Article 17(4) makes room for affirmative action there is no law in place to ensure women's presence in the policy making space to ensure that women's issues are properly addressed.

According to the Land Administration Project (LAP) of the Government of Ghana, which is being implemented at the Ministry of Lands and Natural Resources with a facility from the World Bank and other development partners, the main gender challenges inherent in Ghana's land administration include the following:

- The low level of awareness of gender issues amongst the staff of the Lands Commission and other related agencies/institutions;
- The low representation and/or absence of women in decision making on land issues;
- Biases against women in the size, fertility and interests that they have in land;
- Discriminatory traditional practices and insecurity of tenure amongst women and other vulnerable groups;
- Rapid commercialisation of land and the inability of majority of women to afford the land and its implication on livelihoods; and
- Biases against women in the process of acquiring and registration/documentation of land.

Based on these problems, strategies have been outlined to address such challenges within the ongoing LAP which we will take a look at later.

Female farmers should be educated on their land rights and given access to land and other resources to enable them to increase their yield, improve their livelihood and to generate wealth. Such support should be adequate enough to enable them to engage in decent work which is work which is productive, gives fair income, security in the workplace and social protection for the family, equal opportunities and treatment, better prospects for personal development and social integration, freedom to organise and participate in decision making. Such work should be sustainable and it should be possible for them to pass on interest held in land to future generations.

Other recommendations made to improve women's land rights so as to guarantee a decent and sustainable livelihood for them are as follows:

- The state should retain a regulatory role in the disposition of stool lands to provide some degree of protection to rural livelihoods where women engaged in agriculture are most vulnerable.
- The need for law reform for legal provisions to be enacted to capture and formalise legitimate customary rights in formal law. The Customary Land Secretariats and registration of rural parcels initiated under LAP-1 and being encouraged under LAP-2 are important initiatives that will enable rural women to document their land rights.
- There is the need to undertake more research to provide evidence for advocacy to improve women's land rights.
- There is the need to review land policies and legislation to strengthen the rights of the poor, women and other marginalised groups. Affirmative action should be taken to ensure that women are represented in key positions to enable them push for needed changes.
- There is the need to promote good governance among traditional authorities of common pool resources such as land and to encourage them to give women access to land.
- There is the need to make registration and securitisation of title for women more accessible as well as policy reform.

- There is the need to ascertain customary law on land in all traditional areas to provide information on what the rules are for the sake of certainty and to provide information to negotiate with holders of land rights at the traditional level to recognise women's rights.
- One on-going initiative, which creates a good opportunity to intervene to ensure that women have access to and security of title to land improved so as to improve women's right to land is the LAP and the Second Phase of LAP (LAP-2) which aims to consolidate the gain made in the first phase has developed a gender strategy which if followed will protect the rights of women farmers.

4.1.3 Report on National Gender Policy, Ministry of Gender Children and Social Protection (2015)

This is a summary of the National Gender Policy. The overarching goal of this Policy is to mainstream gender equality concerns into the national development processes by improving the social, legal, civic, political, economic and socio-cultural conditions of the people of Ghana particularly women, girls, children, the vulnerable and people with special needs; persons with disability and the marginalised.

Gender Equality and Women Empowerment are strategies for reducing poverty levels, social injustices among women and men, improving health standards and enhancing efficiency of public and private sector investments and domestic finance. Thus, achieving gender equality is regarded as the attainment of human rights and a pre-requisite for sustainable development.

Ghana's goals towards achieving gender equality targets are guided by its commitment to International Instruments, the 1992 Constitution and national development frameworks. Specifically, Article 17(1) and (2) of the 1992 Constitution guarantees gender equality and freedom of women and men, girls and boys from discrimination on the basis of social or economic status among others. Efforts of Ghana in the promotion of

gender equality and the empowerment of women, men, girls and boys are evident in its recent achievements as contained in various international indices such as HDI (0.558), GII (0.565) and the SGI (0.262).

Stakeholders in the sector will be expected to take strategic policy actions as directed by this Policy to address bottlenecks and barriers and critical issues existing alongside the successes. These issues of concern include:

- Inequality in access to social protection by the marginalised, vulnerable and the poor. Inequalities in the burden of extreme poverty, education, skilled training gaps and excess maternal mortality.
- Unequal access to social, economic power and justice including lack of respect for and inadequate protection and promotion of human rights of women and girls.
- Inequalities between women and men in sharing of power and decision making at all levels and in dealing with all kinds of conflicts, insecurities and threats on women and girls. Inequality in macro-economic issues including trade, industry structures and productive resources.
- Stereotyping and persistent discrimination against women and girls that manifest in negative gender relations, and value for gender roles and responsibilities with severe implication for maternal health and mortality.

Irrespective of the gains made so far, these inequalities listed, are still deeply rooted in the social system and manifest particularly in matters of access to justice, health, finance, education, security, politics, energy, agricultural practices, environmental management processes among others. Assessments have indicated that these causes are attributable to the historical legacy of patriarchal influences and the form of socialisation received from homes to public settings.

In an attempt to address the challenges posed by these inequities, successive governments of Ghana have made conscious efforts by promoting girl-child education, social development and protection

initiative such as distributing free school uniforms, free exercise books, skilled training for young women, free ante-natal services for pregnant women, access to credit in the form of programmes such as the Livelihood Empowerment against Poverty among others. The Government has also improved the legal environment through the enactment of statutes including the Domestic Violence Act, 2007 (Act 732) to aggressively tackle gender inequality and the promotion of the welfare of women and girls.

It is evident that the involvement of men and boys in removing systemic social-cultural practices that slow down women's empowerment especially ending violence against women and girls and improving gender relationships in homes and public places is affirmed as an important policy issue. Social protection issues for marginalised and vulnerable groups such as the homeless and the displaced and other sub groups such as Kayayei, persons with disability are firmly placed on the agenda in this Policy although a separate social protection policy will be developed specifically to address vulnerability and social protection issues.

Within the context of the 1992 Constitution requirements, development frameworks as well as International Instruments, the National Gender Policy focuses on mainstreaming gender equality, women empowerment and social protection concerns by strongly concentrating on the implementation of the following five policy commitments (representing policy objectives): Women's Empowerment and Livelihood; Women's Rights and Access to Justice; Women's Leadership and Accountable Governance; Economic Opportunities for Women and Gender Roles and Relations.

The application of Information and communication Technology (ICT) tools, skill development, advocacy, lobbying, negotiation, mobilization, transformational leadership, research, monitoring and evaluation are key strategies listed for action towards achieving the goal and objectives/commitments of this policy. Clear policy level roles and responsibilities are suggested to be played by identified state and non-

state actors, including Civil Society Organizations (CSOs), the media, the private sector, Traditional Authorities, and local communities for efficiency and effectiveness in achieving results. The Ministry of Gender, Children and Social Protection will be the main machinery to drive all the policy actions using a Strategic Implementation Plan to actualise the policy objectives.

4.1.4 Report on the Gender and Agricultural Development Strategy II (Gads II) (June 2015)

This is a summary of a report on the Gender and Agricultural Development Strategy Document (GADS II). The Scope of this 49 page document is organised into four sections.

- Section one gives an introduction to the need to have a strategic framework that supports the integration of gender into agricultural development as stated in the Food and Agricultural Sector Development Policy (FASDEP II). It also presents the rationale, aims/purpose and an overview of the GADS I outlining achievements and lessons learned in agricultural development in Ghana.
- Section two describes the approaches used in the development of GADS II and the principles underlying integrating gender into agricultural development in Ghana. It also contains the gender gaps identified in the gender analysis of the agricultural sector in Ghana.
- Section three presents the Gender Strategic Framework, which is informed by recommendations from the gender analysis report (GAASG, 2014). It presents a vision, mission, and the approaches to GADS II, the Strategic objectives and a logic model (annex 1) that will inform the performance management Framework to be developed among M&E tools to track changes, lessons learned and reporting.
- Section four presents the implementation procedures and conditions for achieving gender equality in the agricultural sector.

The Government of Ghana is signatory to various international conventions, protocols and agreements. These include the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW); the Beijing Declaration and Platform for Action and other instruments for promoting gender equality. Furthermore, Government has translated its commitment to these conventions and protocols into concrete actions by establishing of the Ministry of Gender, Children and Social Protection (MoGCSP), and by integrating gender dimensions into government planning and budgeting policies. Institutional structures have been established to address challenges of achieving gender equality, and making it central to national development. Government is also in the process of finalising the Affirmative Action bill into law that will ensure forty percent (40%) women representation on all decision-making structures. Challenges still exist in achieving the ultimate goal of a modernised and structurally transformed agricultural sector with enhanced equitable opportunities and resources for men, women, and Persons with Disabilities (PWDs), the aged and the youth.

Although the principle of equality for men and women was recognised by the UN Charter in 1945, the UN Declaration of Human Rights in 1948 and the 1992 Constitution of the Republic of Ghana, most development practitioners and planners still had challenges when they had to factor or fully address women's specific needs and interests in the development process. The Gender and Agricultural Development Strategy (GADS), 2001, constituting phase I (GADS I), was a bold attempt to correct some of the injustices and bring about fairness, justice and the respect of the potential and capability of women, men, the youth and vulnerable groups to the development process. The GADS I drew its strength from the Accelerated Agricultural Growth and Development Strategy (AAGDS), and the medium term agricultural development policy (1991-1995) which clearly identified, for the first time, gender inequalities in the sector as a problem that needed to be addressed.

According to the document, the Rationale for Gender Equity in the Agricultural Sector is that women contribute largely to agriculture by providing labour for planting, weeding, harvesting and processing

resulting in seventy percent (70%) of food crop production in the country. They, however, reap minimal benefits from investments in the sector (MoFA APR, 2013). Large proportions of the agricultural workforce are women (52%) with a high rate of illiteracy and limited capacity to access and adopt improved agricultural technologies, thus most of them are poor (GAASG, 2014; MoFA Progress Report, 2013). Furthermore, thirty percent (30%) of the country's households are female-headed (GLSS 6, 2014), with low income levels that make them vulnerable to economic shocks. In the 2012 World Development Report, the World Bank estimated that if women farmers in Ghana had the same access to fertilizers and other inputs as do male farmers, overall maize yields would increase by almost one-sixth for the country.

Additionally, the Food and Agricultural Sector Development Policy (FASDEP II) categorically states that gender inequality in the agricultural sector has undermined the achievement of sustainable agricultural development because programmes and projects are not systematically formulated around different needs of women and men. The report of the mid-term review of the Medium Term Agricultural Sector Investment Plan (METASIP) in 2013 also indicates that the approximate male to female coverage ratio of all projects mapped to the METASIP was 2:1 and very few of the projects had gender inclusiveness as part of the areas of focus within project objectives.

Also, the FASDEP II policy direction for the sector focuses on value chain approach to the agricultural sector, emphasising value-addition and market access. This brings into sharp focus emerging issues in the shifts in policy since the development of GADS I. There was, therefore, an urgent need to develop a GADS II to address emerging gender equality issues within the current thinking and direction of the sector. The GADS II will also scale up the gains and success of the GADS I, and address the gaps that were identified in the Gender Analysis of the Agriculture Sector in Ghana (GAASG), conducted in 2014.

Other important developments have been the re-designation of the women's machinery in 2013 from the Ministry of Women and Children's

Affairs (MoWAC) to the Ministry of Gender, Children and Social Protection with an expanded mandate to include social protection. Subsequently, there has been a revision of the National Gender Policy and an amendment of the Constitution with new legislations that impact women's wellbeing. An example is the Labour Act of 2003, which provides for special care to mothers during a reasonable period before and after childbirth. The key focus area on gender equity and women's empowerment of the Ghana Shared Growth and Development Agenda II (GSGDA II) adopts a strategy to develop an Affirmative Action policy to address identified gender imbalances. Government's increasing priorities towards private sector investments in the agricultural sector makes this amendment to the labour act very crucial in the protection of women's labour rights.

There is also the need to address both practical and strategic needs of men, women, the aged, the youth and persons living with disabilities (PLWDs). The need to improve their basic conditions and positions in society cannot be overemphasized.

Aims and Objectives of GADS II as outlined in the document as a gender strategy is to provide guidance to the Ministry of Food and Agriculture, its agencies, decentralised departments, civil society organisations, private sector and development partners to be more gender-responsive in their programming and interventions.

The GADS II has nine strategic objectives based on gaps identified, and recommendations from a gender situational analysis (GAASG, 2014). These are presented below:

- Strategic Objective 1: to strengthen institutional capacity for Gender-responsive policies, programmes, projects, budgets and monitoring and evaluation within Ministry of Food and Agriculture (MoFA);
- Strategic Objective 2: to enhance equitable delivery of agricultural services and access to inputs;
- Strategic Objective 3: to enhance access to land, information on land rights and tenure security;

- Strategic Objective 4: to develop and disseminate gender-sensitive appropriate technology along the agricultural value chain including climate smart practices;
- Strategic Objective 5: to promote gender-responsive agribusiness, value-addition and market access for livelihood and growth in incomes;
- Strategic Objective 6: to promote gender-sensitive research and extension linkages;
- Strategic Objective 7: to promote equal representation and participation in decision-making by women and men at all levels;
- Strategic Objective 8: to harness the potentials of vulnerable farmers for social protection (rural women, the aged, the youth, PWDs and Persons Living with HIV/ AIDS) along the agricultural value chain;
- Strategic Objective 9: to strengthen gender co-ordination among key ministries, civil society, the private sector and development partners.

The GADS II provides guidance for integration of gender equality in the implementation of agricultural development policies and programmes; it gives recognition to the potential that men, women, the youth and PWDs have in accelerating agricultural growth and development. It also recognizes the threat that the HIV/ AIDS epidemic poses to the sector. Furthermore, it highlights the need to obtain gender-disaggregated data for planning programmes to meet the diverse needs of the different groups along the Agricultural Value Chain.

The methodology is a summary of the processes adopted in the production of GADS II. Key reference was made to GADS I, FASDEP I and II, METASIP, GSGDA II and the National Gender Policy. Findings from the Gender analysis of the agricultural Sector in 2014 present key recommendations, strategic objectives, baseline information and key guiding principles of social justice, equality and equity. A series of consultative meetings involving key stakeholders were organised to review the GAASG report and define the outline for GADS II.

The Achievements of the GADS I are that; The GADS I was implemented from 2004 - 2013. An assessment in 2008 revealed that two out of the eight objectives of the GADS I namely, institutional capacity development and development of sex disaggregated data were implemented. An accountability framework, which aligned the objectives of GADS I to the objectives of FASDEP II, and identified the results of GADS I with roles and responsibilities according to directorates, was subsequently developed. This aligned the strategies and indicators to each responsible directorate's mandate which improved coordination in the implementation of GADS I.

Gender-responsive Budgeting (GRB) approaches were also adopted. The accountability framework later was approved by MoFA at a meeting involving all directorates. This gave some momentum to the implementation of GADS I applying GRB approaches in planning, programming, implementation and reporting. Gender Focal Points (GFPs) in MoFA's administrative systems were established to support and coordinate gender equality issues from the directorates through to the regional and district agricultural departments. Gender-related training of MoFA personnel over the years improved capacity, but due to a high attrition rate, very few staff with gender-related knowledge and skills currently exist within the sector. Targeted-training in gender-responsive budgeting as part of government's priority enhanced knowledge and skills for gender-sensitive planning and gender-responsive budgeting within MoFA. These supported the implementation of gender priority activities within all technical directorates and improved gender integration and co-ordination within the directorates.

Below are the lessons learnt from the implementation of GADS I:

- Disaggregated data were not backed by qualitative information about the situation of women and men; so it was difficult to appreciate the inequities;
- All data generated showed inequities and a growing gap between women and men farmers but they were not analysed to

understand how they affected women and men's access to agricultural inputs and resources differently;

- A cost-benefit incidence analysis of MoFA's interventions was not done to assess the impact of women and men's access to agricultural services;
- There was no indication that all directorates were considering addressing the inequities except for the Plant Protection and Regulatory Services Directorate (PPRSD) and the Animal Production Directorate (APD). While the PPRSD identified resourcing the gender desk and involvement of finance and administration in gender mainstreaming activities and planning, the APD targeted 30 percent of women in their credit-in-kind project while WIAD paid more attention to male involvement in areas that were weak;
- The overall goal was to promote gender equity and gender mainstreaming but there was no indication that continuous gender analysis of the data gathered was being done to inform policy, programming and budgeting;
- There were no clear gender indicators to guide the work of the directorates. The M&E plan had a column designated "sex disaggregated data where applicable", but gender indicators were not explicitly defined. The lessons learnt have informed the development of GADS II and will influence its implementation to address the weaknesses highlighted above.

Flowing from the lessons learnt in GADS I the approaches to the Development of GADS II are outlined below;

- GADS II adopts a two-prong approach to gender integration and equality in the agricultural sector. The first approach is the integration of gender into policy formulation, programming and reporting in the sector. The second approach is gender targeted programming to address practical and strategic gender needs.
The Practical Gender Needs/Interest respond to improvements in the basic conditions such as food, nutrition, employment, income and labour savings technologies of women, the youth, the aged, PWD and men.

- The Strategic Gender Needs/Interest respond to improvements in the position of women, the youth, PWD and men in society, addressing their disadvantaged situation which is limiting their access to resources, education, governance and decision-making powers.
- Guiding Principles are as follows:
 - Social Justice - guarantee for the enjoyment of the fundamental freedom of women and men without any discrimination, focusing on gender stability in the agricultural sector.
 - Equality and Affirmative Principle - equality of rights, opportunities and benefits between women and men in all the domains of political, social, economic and cultural life.
 - Equity - the recognition and respect of all human rights including the fact that the equity between women and men must lead to actions of improvement of the gender situation at all levels, with observance of the cultural diversity that characterises the Ghanaian society. It is also based on the principle of fairness, access and respect for one another.
 - Non-Discrimination - the elimination of biases and practices that are based on the idea of inferiority or superiority for any of the sexes, or stereotyped functions of women and men; thus preventing the development and the adoption of an integral gender approach as a strategy of analysis, planning and evaluation of the development issues of the agricultural sector.

This document also highlights the Gender Gaps in the Agricultural Sector in Ghana. In the process of reviewing the GADS I, a gender analysis of the agricultural sector in Ghana was conducted to identify the gender gaps that need to be addressed in GADS II. The gender analysis revealed the current gender dynamics, especially relating to women, youth and vulnerable groups along the Agricultural Value Chain.

The key gender gaps identified in the Gender Analysis of Agricultural Sector in Ghana report (GAASG, 2014) are summarised below:

- Gender Gaps in Access to Credit and Financial Services - Female farmers were less likely to access credit. Farmers who had never accessed funding of any kind to aid their operations constituted 78.4 percent of the sample interviewed. Disaggregating by gender 40.4 percent were women, 11.4 percent youth and 26.6 percent men.
- Women's right to access credit was limited due to lack of collateral security – Properties and assets were often registered in the name of husbands. Women, who were household heads especially, had lower resource endowment (land, cattle) to raise collateral for loans. Proximity of financial institutions and unfavourable financial market dynamics were found to be the main barriers to accessing funding for agricultural activities, accounting for 70.2 percent of all the barriers. Other reasons included the absence of financial institutions, unfavourable loan terms to farmers and lack of other external funding sources.
- Gender Gaps in Access to Extension Services Delivery –
 - Female farmers were less likely to access extension services along the agricultural value chain. Frequency of access to extension services among male and female farmers was 34.4 percent and 9.5 percent respectively.
 - Meetings and trainings organised by extension service providers did not consider reproductive roles of women.
 - Farmers were found to have better access to extension services than the other players along the agricultural value chain.
 - Three out of every four (78.5 percent) respondents who accessed extension services did so through informal arrangements and unannounced working visits by the agricultural extension agents (AEAs).
 - Four main barriers to accessing agricultural extension services identified were: a) proximity to extension agents; b) personal perception of the players that they do not need such services at all; c) lack of knowledge of the existence of such services; and d) inability of people to find service officers.
 - Only 13 percent of AEAs were females. The AEA to farmer ratio in Ghana was 1:1,500 instead of the recommended 1:500 (MoFA, 2013 Progress Report).

- Extension approaches favoured commercial farmers as they were able to give incentives to the AEAs.
- Gender Gaps in Access to New Technologies in Agriculture:
 - Approximately 33 percent of males as opposed to 12 percent of females had access to new technologies. However, under agro-processing technologies, women dominated.
 - Only 8.5 percent of the respondents had ever participated in field demonstrations of new technologies. Most of them were in relation to how to use various chemicals on the farm and agricultural equipment.
 - About 33 percent of farmers and 25 percent of processors along the Agricultural Value Chain admitted having access to new technologies in their areas of operations. Only 12 percent had access to new technologies among the produce traders and marketers.
- Gender Gaps in Access to and Control over Land Ownership and Tenure Security – This was a challenge among female farmers.
 - The main challenges in having access to land were related to the processes and the cost. Indigenes were largely found not to have difficulties in accessing land for agricultural purposes. Persons considered “settlers” to the area had a lot of problems. Additionally, socio-cultural factors limited majority of women’s access to essential resources. For example, in some cultures, women could not own land.
 - Disaggregating land access by land tenure, the survey revealed that 40.9 percent of the respondents accessed land through family inheritance, 27.2 percent hiring of land, 19.4 percent marital access, 9.1 percent outright purchase/acquisition and 3.4 percent others for all players along the agricultural value chain.
 - About 90.3 percent of the respondents indicated not having any form of education or sensitisation on existing formal and customary land rights and use.
 - Majority (58.7 percent) of the farmers interviewed cultivated less than 3 acres. Only 11.1 percent of the respondents who had access to land were able to cultivate 10 acres or more within a farming season. Only 9.1 percent

cultivated 7 to 9 acres, while 21.1 percent cultivated 4 to 6 acres.

- Gender Gaps in Harnessing the Potential of the Vulnerable in Agriculture - The PWDs were found to be the most under-utilized group of persons in the agricultural sector. This was followed by PLWHAs and the youth. In order to realise the potential of the vulnerable, most players in the industry believed funds should be made available to such groups.
- Less than 25 percent of the vulnerable respondents indicated that they were being discriminated against in their operations. Basis for discrimination included: a) political party affiliation in the distribution of farm inputs; b) not being taken seriously; c) inability of people to operate fully; d) hatred and insults from colleagues and other people; e) acquisition of seed capital; and f) discrimination on the basis of dirty working gear/clothes.
- Gender Gaps in Agro-Input Support Certified Seeds Supply - Small-scale farmers (especially females and the youth) did not have access to certified seeds during planting seasons. Majority of the small-scale farmers used seeds from their own farms. Seeds in the planting seasons were generated by farmers from their previous harvest and stored for planting in the next season. Well-to-do farmers could access certified seeds characterized with good fruiting and higher crop yields. (GAASG 2014, FASDEP 2008:34)
- Fertilizer and Crop Protection Materials (FCPM) Supply - From the focus group discussions, cost of fertilizer was high for the rural farmer. There was always a distortion in the supply chain leading to frequent shortages. Proper application of fertilizer was limited among the illiterate and most women farmers. Application of other chemicals to support plant growth and protection were also in similar situation. (GAASG, 2014:127; FASDEP, 2008:43)
- Gender Gaps in Agricultural Engineering Services - Agricultural engineering services provided by MOFA were broadly in the areas of: (i) Farm power Machinery and Transport; (ii) Post-Harvest Management; (iii) Soil and Water Conservation Engineering; (iv) Rural Technology Information.
 - The various activities were targeted at improving the level of use of appropriate forms of farm power, machinery and other agricultural engineering technologies by farmers,

fishermen and agro-processors for agricultural production, consistent with sound and sustainable environmental conservation practices.

- Most machinery and equipment were not women-friendly, especially machines which needed to be cranked for starting. These should be replaced with motors with start buttons.
- Cost of machines was high and financial status of women and risk averseness did not allow them to buy high-capacity machines (tractors/ combines). The use of animal traction technology, especially in the northern regions could be intensified. Group ownership and Agriculture Mechanisation Services Centres (AMSEC) for services could also be explored.
- Training and demonstration of machinery and equipment were usually targeted at men. Most women felt incompetent or afraid to operate high-capacity machines. Energetic and interested women should be targeted, especially on smaller tractors with rotators and seed drills.
- Most agro-processing machines were cumbersome and less women-friendly. Simple labour saving equipment should be introduced to reduce time and drudgery e.g. cassava graters using motors, single screw press/hydraulic press for de-watering pulped cassava and modernised roasters.
- Gender-friendly agronomic improved farm tools and equipment should be introduced. For instance, hoes being used were too short; as such the health of men and women was being affected.
- Women farmers lacked intermediate means of transport (IMT) to carry their produce from the farm to the farm-gate and to the marketing centres. Facilitating women's access to motor-tricycles, donkey-carts and training them on their usage and maintenance were highly recommended.
- Women groups should be formed to access farm machinery under Agriculture Mechanization Services Centres (AMSEC) programme.

- Gender Gaps in Livestock Production – Majority of men in the livestock sub-sector were engaged in the production of both small ruminants (sheep and goats) and large livestock like cattle. Women were engaged in poultry, pigs, small ruminants as well as processing and marketing of the livestock. Despite the gender division of labour, some gender gaps still persist. Access to finance to procure and feed the animals was a major constraint to women. Inadequate knowledge of officers in gender-related issues at the district level. As such there are gender gaps in livestock production activities at that level.
- Gender Gaps in Institutional Arrangements and Implementation Procedures - MOFA had limited institutional capacity to facilitate gender-responsive policy development, planning and implementation. Some operational manuals and guidelines were found to be lacking gender sensitivity. There are limited numbers of staff with the requisite knowledge to integrate gender into their work. Staff are also constrained by lack of logistics and time for gender work as they are engaged in multiple tasks.
- Fundamental to the integration of gender into planning, programming and implementation is the existence of a supporting policy. There was however, no gender policy for the agricultural sector of Ghana at the time of the gender analysis study. Gaps existed regarding the ownership of the GADS I and its mandate within the whole of the agricultural sector. There is therefore, the need for such a policy to legitimise gender integration exercises and commit management to its implementation. The GADSI document which was to serve as a working tool at the implementation level was not available at the Regional and District Agricultural Departments where implementation takes place. It is therefore, crucial for the GADS II document to be effectively circulated in order to demand accountability from implementers.
- Gender Gaps in Agribusiness Ghana's Shared Growth and Development Agenda II (2014-2017) emphasises poverty reduction and wealth creation by small-holder farmers as critical for national development. The Food and Agriculture Sector Development Programme II and METASIP point out the need for enhanced growth in incomes in the agricultural sector through diversification into cash crops, livestock, value addition and market access. The policy indicates that, enhanced incomes will reinforce food security through financial access to food. This calls for the need to diversify into cash

crops, livestock and agro processing in a more business-oriented manner. Agro-processing or value-addition to agricultural products is in the domain of women. Value addition is laborious and expensive and as such, requires processing equipment to reduce the drudgery. The gender constraints identified in relation to agribusiness activities in the gender analysis study were:

Ninety-five per cent (95%) of women in the agricultural sector were into agro processing but had limited knowledge in post-harvest management, particularly of perishable produce; the use of traditional processing technologies, mostly by women was predominantly laborious resulting in poor product quality and low turnover; limited availability of appropriate women-friendly and labour saving technologies coupled with imbalances in the delivery of extension services had negative impact on the productivity of women farmers and producers. The above constraints must be addressed by increasing women small-holders' access to processing equipment, information on improved processing technologies and market access.

- Gender Gaps in Research and Extension linkages. Research extension linkage committees (RELC) composed of researchers, farmers and departments of agriculture and other key stakeholders at all administrative levels. It seeks to create a platform that makes technology development demand-driven while allowing for more targeted and relevant research which enhances adoption of research results.
- Agricultural or adaptive research needs to be gender-responsive meeting the needs of the diverse groups (men, women, youth, aged and PWD) along the agricultural value chain. The gender analysis study revealed inadequate updated research statistics/information on small-holder farmers, particularly women, to inform policy decisions and programming (research and planning). Most agricultural and adaptive research was not designed from a gender perspective to meet specific gender needs. It is stated in the document that Gender-responsive adaptive research should consider the following: Research and development of start button machinery and agro-processing equipment that are women-friendly; Low-cost processing machines that are efficient; training and demonstration of equipment targeting women as well as men; and consider the gender roles and develop equipment accordingly to various needs along the Agricultural value chain. For example, women mostly transport farm produce from the farm to barns and marketing centres. This activity needs an intermediate transport system to lessen the burden on them.

Some of the limitations of the Baseline Study were that the GAASG, 2014 provided the baseline for the development of GADS II. However, some limitations exist in the data provided: the sample size was limited and thus cannot be generalised to reflect the views of the agricultural sector as a whole. The gender/sex disaggregated data provided from both the quantitative and qualitative surveys lack depth and requires more analysis to inform the drafting of GADS II. As a result of the limitation, the Performance Management Framework for GADS II will be done following the collection of more data to help define the baseline that will enable the tracking of gender results.

And also that the Strategic Direction/Entry Points for GADS II Lessons learnt from the implementation of GADS I and the gender gaps identified in the sector's gender situation analysis, as well as the directions of FASDEP II that focus on value chain approaches have informed the strategic objectives of GADS II. The strategic objectives are aligned with the objectives of FASDEP II. Implementation of these objectives will address the gender inequities along the agricultural value chain.

The nine (9) strategic objectives are given below as:

1. To strengthen institutional capacity for gender-responsive policies, programmes, projects, budgets and, monitoring and evaluation within MOFA;
2. To enhance equitable delivery of agricultural services and access to inputs;
3. To enhance access to land, information on land rights and tenure security;
4. To develop and disseminate gender-sensitive appropriate technologies along the agriculture value chain including climate smart practices;
5. To promote gender-responsive agribusiness, value addition and market access for livelihood and growth in incomes;
6. To promote gender-sensitive research, and extension linkages;
7. To promote equal representation and participation in decision-making by women, men at all levels;
8. To harness the potentials of vulnerable farmers on social protection along the agricultural value Chain (rural women, the youth, PLWDs, PLWHA;
9. To strengthen gender co-ordination among key ministries, UN systems, and CSOs, the private sector and development partners.

4.1.5 Sheila Minkah-Premo, Gender and Land, Implications for Agricultural Investments in Ghana, Presented at a Multistakeholder Workshop on Agricultural Investments and Gender: Towards Inclusive Gender Equitable and Responsible Investments, Sponsored By FAO (5th May 2015)

This 15 paged paper focused on access to and securitisation of interest in land and its gender implications. It looked in particular at the laws and policies in place in addressing gender and land issues, the challenges and their implications for agricultural investments and the way forward.

The paper looks at the laws and policies relating to land in place nationally including the 1992 Constitution, customary law where access to productive resources including land, are largely founded on patriarchal structures, norms and institutions which create significant gender inequalities in the allocation of resources and account for the lower status of women in Ghana. It also looks at the Conveyancing Act, 1972 (Act 175), State Lands Act, 1962 (Act 125), Lands Commission Act, 2008 (Act 769) among others. One of the key provisions in the interpretation of the statutory law that works against women is the rule that interest in land which is not registered does not confer good title.

Other related laws come into place since the principal way in which women acquire land is through their lineage, marriage or by contractual arrangements. To a large extent women's access to land is affected by tenural arrangements, inheritance systems and land use patterns, which operate to restrict the extent of control they can exercise over land. (Dowuona-Hammond, 2003). The laws relating to divorce and the equitable distribution of properties acquired in the course of a marriage are very important but the existing law does not provide adequate protection for women even though Article 22 of the 1992 Constitution calls for such a law. An attempt to enact legislation based on Article 22, which requires Parliament to enact legislation to protect the property rights of spouses has not materialised. The Supreme Court is however using the constitutional provision directly for cases that come before it to ensure that women get an equitable share of such properties. (Gladys Mensah *vs.* Stephen Mensah, 2012 unreported case).

The Intestate Succession Law, 1985 (PNDCL 111) was also enacted primarily to ensure that children got a fair share of the properties of their parents or spouses who die intestate. Although the provisions of the law are gender neutral, due to the existing discrimination against female children and also against wives, they have benefited more from this law than their male counterparts.

With regard to policies in place, the Government of Ghana in 1999 launched the National Land Policy that outlined a long term land administration reform process aimed at the stimulation of economic development, reducing poverty and promoting social stability. The policy identifies constraints in land acquisition for agricultural purposes as one of the key problems. One of the guiding principles of the policy is ensuring the principle of fair access to land and security of tenure. The Land Administration Project (LAP) of the Ministry of Lands and Natural Resources was initiated in 2003 as a vehicle for implementing the policy. LAP is undertaking land policy and institutional reforms, and key land administration pilots for laying the foundation for sustainable decentralised land administration systems that are fair, efficient, cost effective and ensure land tenure security. The processes include addressing the challenges inherent in the country's land administration. Under LAP there is a gender strategy that seeks to address land and gender issues which will be outlined below.

Women's land rights are also dependent on their marital status and therefore determined by the institution of marriage and divorce and its incidents. Invariably gender relations within marriage place a woman in a subordinate position and give her very little security for her land rights. She may lose such land upon divorce or on the death of her husband. Her right to land may also change if her husband marries more women under a polygamous arrangement. In fact in one of the Traditional Areas where the ACLP ascertained customary law on land a traditional saying that reflected this fact indicated that women belonged to the bush as far as land was concerned, since they had no right to inherit their father's land and neither can they also inherit their husband's land.

Lack of information regarding their rights and how to protect them under existing land laws further weaken the position of women in land matters. In the public or formal sphere, women tend to have a more limited ability to benefit from the formal structures established by the state for ensuring security of tenure, including registration systems and other land sector services. Formal procedures for ensuring security of tenure, including registration processes are often cumbersome, expensive and time consuming (Dowuona-Hammond, 2003). Women have a lesser opportunity of complying with such formal processes because of their limited access to information due to large numbers who are illiterate, and lack of financial resources and time needed for compliance. Most are unable to register their interest in land making them prone to losing such lands against those better informed, with more financial resources and access to registration systems that can secure their title to land.

According to LAP, the main gender challenges inherent in Ghana's land administration include the following:

- The low level of awareness of gender issues amongst the staff of the Lands Commission and other related agencies/institutions;
- The low representation and/or absence of women in decision making on land issues;
- Biases against women in the size, fertility and interests that they have in land;
- Discriminatory traditional practices and insecurity of tenure amongst women and other vulnerable groups;
- Rapid commercialisation of land and the inability of majority of women to afford the land and its implication on livelihoods; and
- Biases against women in the process of acquiring and registration/documentation of land;

Based on these challenges, strategies have been outlined to address them within the ongoing project.

In response to these challenges, a Gender Strategy has been developed for LAP. The Strategy is intended to enable LAP formulate comprehensive development interventions that would address the gender-related problems in the country. It was developed by the Institute of Local Government Studies (ILGS) for LAP.

The Strategy is premised on nine inter-related principles that reflect the commitment of Ghana to gender equitable and sustainable development. These are:

- Prioritizing rights-based approaches;
- Ensuring equitable access to opportunities and services through relevant and timely information sharing;
- Foster participation and inclusion in natural surface management;
- Mainstreaming dispute resolution mechanisms;
- Informed and responsive policy making through dialogue and stakeholder by participation;
- Enhancing accountability through participatory and learning-oriented monitoring and evaluation;
- Decentralized service delivery with a view to promoting efficiency, cost effectiveness and value-for-money;
- Ongoing capacity building for stakeholders to promote innovation and consonance of the sector with national development aspirations; and
- Institutional collaboration and partnerships between public agencies, the private sector and civil society

Objectives of LAP's Gender Strategy: The Gender Strategy is intended to enable LAP formulate comprehensive development interventions that would address gender related problems in the implantation of the Project. It seeks to facilitate the mainstreaming of gender into the project and its associated processes in land related agencies and institutions.

The Strategy further seeks to provide a coherent and sustained approach to addressing women and men's concerns for equitable development, gathering gender-sensitive data using appropriate participatory appraisal tools and incorporating this in the implementation and monitoring processes of LAP.

Key Strategic Thrusts of the Gender Strategy: To achieve the objectives set out in the Strategy, five strategic thrusts have been identified. These are the priorities that are crucial for accomplishing LAP's mission equitably in ways that are inclusive of and responsive to all sections of

the population, women, men, disabled, minorities and the marginalized and the vulnerable. They are:

- (i) Public Education: Within the framework of the strategic thrust, public education is to ensure wide information dissemination in the programme to women, men, and all sections of the population, particularly the under-served, through timely and accessible events, activities and appropriately packaged, channeled and targeted messages that are regularly updated.
- (ii) Capacity Building: Capacity building was identified as a critical pre-condition to effective gender mainstreaming. Capacity building within the context of the strategy is to ensure adequate capacity of the programme, the Lands Commission and related institutions to mainstream gender in their policies, procedures and activities and be gender-responsive in their services and internal functioning.
- (iii) Institutional Processes: The focus of the strategic thrusts is to initiate actions to review institutional processes to ensure more gender sensitivity and lay the foundation for effective gender mainstreaming within the sector agencies and other related land institutions.
- (iv) Advocacy: The advocacy component within the context of the strategy is focused on initiating action to achieve strategic transformation in key internal and external issues that will expand visibility and opportunities for women alongside men in the land sector.
- (v) Collaboration & Networking: Developing effective linkages with key stakeholders is a strategic thrust for this strategy. The purpose of this thrust is to initiate, promote and sustain mutually beneficial linkages with relevant organizations and interest groups in the areas of women's rights, gender, land and natural resource management.

Expected Outcomes of LAP's Gender Strategy: LAP intends that through the Strategy:

- Women's rights especially in customary rural and peri-urban areas would be better secured;
- More equitable information and access to opportunities, benefits and decision making in land administration would be achieved; and
- Women and men would be better informed about LAP objectives and strategies.

4.1.6 Report on Women and Smallholder Agriculture in Ghana Policy Brief No. 4 (October 2014)

This is a summary of the policy brief produced by SEND-GHANA under its Smallholder Agriculture Development (SHAD) Programme. It has a total of 16 pages.

In line with the mission “to promote good governance and equality for women and men in Ghana”, SEND-GHANA under its Smallholder Agriculture Development (SHAD) Programme is producing this policy brief to share the information obtained using its tested participatory monitoring and evaluation framework. This policy brief is a follow-up on the gender issues raised in two research reports on smallholder agriculture published in 2010 and 2013 titled respectively: “Investing in Smallholder Agriculture for Optimal Results: The Ultimate Policy Choice for Ghana” and “Building Resiliency for Upcoming Challenges: The Need to Restore Confidence in Smallholder Farmers”.

The introduction of the document highlights Ghana government's vision for the agriculture sector as the transformation of the peasantry farming system into a sustainable commercial production that is anchored on improved market access. This key strategy for the realisation of the vision finds expression in the Government's commitment to invest at least 10 percent of its annual budgetary resources to the agricultural sector.

The policy brief adds that the Women in Agricultural Development (WIAD) of Ministry of Food and Agriculture (MoFA) is primarily responsible for policy formulation; developing and implementation of policies which are beneficial to women farmers and agro-processors in the rural, suburban and urban communities. It provides technical backstopping to regional and district staff for effective transfer of appropriate technologies to farm families engaged in crop, livestock and fish production and the processing, utilisation and marketing of the produce through regional officers and other stakeholders. As one of the seven Technical Directorates of MoFA, WIAD is also responsible for gender mainstreaming of all agricultural policies, programmes and

projects through the implementation of the Gender and Agricultural Development Strategy (GADS).

It is also intended that GADS provides a framework for achieving a 'gender-sensitive' agricultural sector and identifies eight objectives. Though these objectives are vital, little progress has been made on most of them as revealed by Action Aid Ghana. Several of the indicators and commitments outlined in the GADS are being missed. For instance, the strategy calls for a 'yearly reduction' in the extension officer / farmer ratio. However, as officially reported by MoFA in 2012 and 2013, the extension officer / farmer ratio is 1: 1500. This shows that the overall strategy is not being taken seriously.

On the issue of Women's contribution in agriculture it adds that Women are the key actors in Ghana's agriculture, constituting over half the agricultural labour force and producing 70 percent of the country's food stock. Women constitute 95 percent of those involved in agro-processing and 85 percent of those in food distribution. Their contribution to agricultural work varies even more widely depending on the specific crop under cultivation, type of involvement and activity. Besides agriculture-related activities, smallholder women farmers are heavily engaged in domestic and reproductive tasks, which are crucial to the maintenance of households, and communities. These tasks are regarded as an extension of household duties and hence, remain hidden economically.

Due to the specific role of smallholder women farmers in food production, many of them are repositories of knowledge on cultivation, processing, and preservation of nutritious and locally adapted crop varieties. It is estimated that if women farmers had the same access to productive resources as their men counterpart, they could increase yields on their farms by 20 to 30 percent, and this could raise total agricultural output in Ghana by 4 percent, which in turn could reduce hunger by 17 percent. In the long run, this would improve family nutrition, food security, maternal and child health and reduce environmental degradation. To maximise the impact of agricultural intervention and

programmes, it is important to recognise the differing roles, needs and priorities of men and women. Such recognition is crucial to appreciating the different inequalities they face and to ensure that these are given due consideration in agriculture-related programming, policy formulation and implementation.

The policy brief states some of the constraints of women in agriculture are similar to the experience in the services sector, Ghana's agriculture is rapidly changing; presenting opportunities, challenges and risks to women and men farmers. Knowledge, innovations and technology are advancing; markets are changing very fast especially for the higher value products; environmental degradation and climate change require improved sustainable natural resource management; land tenure and food security particularly for women smallholder farmers. These changes have differential impact on men and women farmers. In almost all cultures and traditions in Ghana, gender is not only a key determinant of access to productive resources but also the basis for the division of labour within the household, the social value attributed to different types of work, and bargaining power. Gender inequalities which are widespread in agriculture and rural employment manifest in forms such as limited access to assets, inputs and services – including land, livestock, other productive assets, labour, extension and limited financial services, and mechanisation.

Some of the other constraints mentioned include women's access to land and agricultural credit; one of the most significant gender-based constraints that women farmers face is access to, ownership and control of agricultural land. On the average, only 10 percent of Ghanaian women farmers own land compared to 23 percent of men and the average value of land holdings for women are three times lower than that of men. Women smallholder farmers in Ghana seldom own the land they cultivate.

Access to credit: even where land is available for smallholder women farmers to cultivate, limited access to credit and finance can further impede efforts to increase productivity on the farm. Without access to

loans at low interest rates (farmer friendly interest rates), women farmers are unable to invest in future production or to take a risk and diversify into producing new crops. Our participatory monitoring in Northern Region, Upper East, Upper West indicates that 20 percent of women farmers had access to credit; whereas in Upper East, less than 1 percent did. Credit to women farmers can finance important investments in businesses and equipment including processing equipment that can make huge differences to farm production, marketing and income.

Limited markets and market access: the unequal access to markets for women results from gender inequalities in access to resources such as capital, technology, information, education and land. Cultural factors play a significant role in maintaining these inequalities. Women's contributions to household care services, cultural biases that determine women's roles, potential harassment by market or trade officials, all make it difficult for women to travel long distances to seek the best prices for their farm output. As men are holding the visible power in market exchanges, they are more likely to be approached by agricultural companies or other representatives wanting to engage in business. Women may also face cultural and socioeconomic barriers to membership in farmer organizations and cooperatives, which may further inhibit their access to market.

Inadequate agriculture extension services: In Ghana, agricultural extension services are largely delivered in complex environments structured *a priori* by gender relations. The organisation of extension service provision is generally based on male needs and is the product of male-dominated organisations. It rarely recognises women's time burdens, and different time schedules from men. In many cultures, especially in the three regions in the north, the lack of female extension workers is a major constraint, particularly given the fact that male extension workers often find it difficult to reach women due to social norms that may prohibit female interaction with non-family men.

Some of the recommendations of the Policy Brief document are as follows;

- In order to make a real impact on food production and food security, agriculture spending and policy need to undergo a reorientation to focus on women farmers. In line with the call by WIAD, MoFA should strategically target at least 30 percent women participation in all programmes and projects.
- Government should stop discrimination in land ownership and tenure by taking immediate steps to guarantee equal rights to land for men and women, independent of their civil status; and implement policies and programmes to facilitate women's access to and control over land for agricultural purposes.
- MoFA should overhaul extension services delivery in Ghana to make them gender sensitive, for example by increasing the number of female extension agents, establishing pro-female farmer field schools and farmer-to-farmer exchanges, and set up gender-sensitive learning and evaluation mechanisms to improve extension service to women farmers.
- Government should establish a Women Enterprise Fund similar to the Youth Enterprise Support Fund to help provide credit to women farmers who cannot access the formal financial sector access. The key will be to ensure that it has sufficient capital to reach large numbers of women farmers, and that it is transparently and efficiently managed jointly by MoFA and the Ministry of Gender, Children and Social Protection.
- The Policy Planning Monitoring and Evaluation Directorate of MoFA and the FBO Desk at the Directorate of Agricultural Extension Services should support and engage actively with women's civil society organisations and networks such as farmer groups and women's cooperatives and facilitate their systematic inclusion and participation in the development, implementation, monitoring and evaluation of agricultural policies and programmes.
- To enhance mechanisation among women farmers, individual farmers as well as farmers' groups that are eager to procure

tractors and improved traditional tools should be targeted for support by the Agricultural Engineering Services Directorates of MoFA. This would help reduce the labour shortages for land preparation and would improve women's productivity since they will make use of less energy while producing more for home consumption and for the market.

The document concludes by stating that agricultural policies and programmes that exclude the primary producers of food are self-defeating. The eradication of gender discrimination is one of the key ways to increase the supply of food and income of farmers. Constraints of livelihoods security faced by women in agriculture are all related to inadequate access to the relevant resources, services, benefits and decision-making mechanisms in the agricultural sector. Closing the gender gap requires the implementation of adequate measures and policies specifically designed to eliminate existing inequalities in all areas of agriculture. Such measures include addressing the direct causes of the gap, as well as aiming to change the cultural perceptions of deep-rooted unequal gender relationships in agriculture. Challenges related to ownership and access to land, credit and markets, are deeply rooted in socio-cultural norms and in some cases policies and legislation. These are thus entrenched and not easily and necessarily amenable to change.

4.1.7 Women's Land Link Africa, Report on Making Land Reform Work for Women in Africa- Elements you must know (2010)

This handbook, *Making Land Reform Work for Women in Africa- Elements You Must Know*, is designed for women at all levels, but especially those in the traditional set up, to understand their land rights and ways to protect their land rights. This 48 paged document prepared by Women's Land Link Africa (WLLA) has six chapters.

The handbook states that the land rights of women in Africa are very important just as much as those of men. It is important for women to be able to have rights that can allow them to make decisions on the land they have and exercise absolute control over the land they use.

Unfortunately, because of the strong influence of culture in land administration and the existence of strong cultural practices that are biased against women, many women in Africa occupy smaller parcels of land and at the same time exercise less or no control at all on the land except the right to use the land for purposes determined by the owner of the land.

Land Rights are the powers and freedoms that one has over a parcel of land. Land Rights differ in terms of the extent of power it confers. Different kinds of ownership of an interest in land confer different levels and extent of rights. Generally, the rights that constitute ownership in land are: the right to possess and use, to sell, to devise, to lease, to mortgage, to subdivide and to grant easements.

One can therefore acquire an interest in a piece of land with all these rights or with only some of them.

Ownership of rights in land is unique. It is not like other commodities where one buys the commodity, picks it and takes it away from the seller so that the one who buys can now hold it physically and thus be able to prevent other people taking it away. As for land, even after one has acquired and paid for, the land will still be lying at the place where the owner once held it.

Evidence of ownership of land therefore lies in the ability of both the buyer and the seller to clearly explain what rights and interests in the land has changed hands; which includes among other things, the number of years for use of the land and the rights and powers conferred to the user to use the land without any interference or interruption. Whether such terms are explained in writing or not, the ability to defend these terms and rights when challenged and the opportunity to use the rights over the land without disturbance is what security of land tenure is about.

Land tenure therefore implies the conditions under which land is held. Simply put, it is the fact that other people believe and respect the fact that the land one occupies and uses is the land that he/she is allowed to live

on and use. Dalrymple *et al* (2004) puts it that secure tenure in land is achieved if a person's interest in land can be successfully defended when challenged. This includes protection against risks, particularly eviction, and not living in fear or threat of having claims of ownership denied. Land tenure security as contrasted to insecurity has been described as the situation in which landholders consider their continued occupancy rights to be guaranteed whether by virtue of formal rights, which is normally referred to as Title Deeds; and customary rules or some other form of assurance. Land tenure insecurity on the other hand is a situation where rights are considered precarious, due to the risk of dispossession by the action of others or the state (IIED, 2000)

It is easier to protect such rights in land when they are put in writing. When one's tenure on the land is secured, it implies human rights regarding land and property are guaranteed.

According to the Handbook, Land Governance is the political and administrative structures and processes through which decisions concerning access to and use of land and its resources are made and implemented. It also includes the manner in which conflicts over land are resolved. Thus land governance is about who is responsible for taking decisions on the land; what is the process for taking those decisions; who else are involved; what decisions are made on the land; who benefits from the decisions; how are disagreements managed; what is the relative position of women and men in the participation and benefits that come from the decisions?

Lessons from the existing land governance systems in Africa are many. The following is a summary of some of the key lessons:

- The influence of traditional institutions in land governance in Africa will continue to exert a lot of influence on land governance in most parts of Africa.
- The nature of rights and interests in land granted in many African countries are as many as the traditions and culture.

- There are strong perceptions about men and women and the roles they are expected to play in most African societies. These perceptions and expected roles influence the traditional land governance arrangements, making men owners and holders of land rights and women deriving their interest from original interest granted to men. On the whole, men have land rights that are of higher value than women.
- Customary law pertaining to women's land tenure and land rights is based on social relations between men and women, especially between husbands and wives.
- Customary law seems to have limited provisions for divorced and single women.
- Generally, there is lack of documentation of land rights. This generally creates difficulties in the protection of land rights. However, it can be more difficult for women because of gender stereotyping.
- Though there have been some improvements in protecting women's land rights in Africa, particularly in some urban lands in Africa, the relative position of women on land has largely remained limited and unsecured.
- The influence of culture and tradition on land rights has remained strong even after some major reforms have been undertaken.
- Attempts by African governments to improve the security of land rights will have to result from a good understanding of the culture of the people and how culture affects different categories of people in the society.

The handbook concludes by stating that even though Government is responsible for the overall national reform, individuals, organisations, groups, government agencies, men, women and traditional authority, all have a role to play in ensuring land reform brings positive results for women. Women's land and property rights have to be respected. Doing so is good for the wellbeing of society.

4.1.8 Report on Land Rights and Vulnerabilities in the Kete Krachi Pilot Customary Land Secretariat Area (2009)

This is a summary of the study on the Land Rights and Vulnerabilities in the Kete Krachi pilot customary land secretariat area in 2009. The National Land Policy of 1999 and the Land Administration Project (LAP) are important developments in the history of Ghana. The long-term goal of the Government's land policy is to stimulate economic development, reduce poverty and promote social stability by improving security of land tenure, simplifying the process for accessing land and making it fair, transparent and efficient, developing the land market and fostering prudent land management. One of the strategies used by LAP is the establishment of pilot Customary Land Secretariats (CLS).

The aim of this study was to delineate the land rights and vulnerabilities in the Krachi Customary Land Secretariat area.

The study sought to provide background information of land tenure in the area and an evaluation of the concept, which will have benefits for refining policy instruments and administrative practices needed to make the LAP a success.

The main objectives of the study include:

- Identification of the key traditional institutions that are involved in the management of lands and natural resources in Kete Krachi.
- Identification of the various traditional arrangements other than leasing systems that exist in the area
- Identification of the origin and types of rights and their relevance in the current pattern of socioeconomic change in the area.
- Examination of the secondary rights used to secure land within the catchment area, and an analysis of the level of security or vulnerability associated with such rights
- Provision of a typology of land rights, the ownership patterns, and an analysis of how they are created.
- Assessing the rate of conversion of agricultural lands to urban use and discuss the impact on different socio-economic groups.

- Assessing the level of awareness of the CLS in the paramountcies and the degree of acceptability of the procedures of the CLS by different socio-economic groups.
- Identification of the barriers that people face in registering claims, in accessing the benefits of the CLS in resolving disputes and in increasing security of their rights.
- Assessing the volume of transaction of the various forms in the area and therefore guide in ascertaining the volume of work that the secretariat will be performing.
- And finally, an identification of the areas of community interest for protection in the land use planning process and dialogue with the community on measures for the protection.

The data used in this study is predominantly primary in nature with background information coming from secondary sources. The primary data collection involved two field trips. The first was a reconnaissance survey to gain fair insight into the issues to be investigated. Informal discussions were held with various stakeholders including traditional and government office holders. The substantive issues were investigated during the main field trip using a survey instrument for quantitative data and group discussions and individual interviews for qualitative data. These discussions centred on the origin of claims to land, traditional management systems, mechanisms for access to land and terms of usage, changes in land use and their socio-economic impacts, and extensive deliberations on the CLS eliciting their consent, concerns, desires, fears and suggestions. The findings showed that customary land tenure practices were changing rapidly in accordance to demographic, market and cultural influences. This has repercussions for the implementation of the CLS concept in terms of being both a threat and an opportunity.

The first section of the report has provided an introduction delineating the aims and rationale, the source of data and a socio-economic background of the study sites. The second section describes the customary management of land and natural resources in the area. The third section examines the typology of land rights and the associated vulnerabilities of different groups. The fourth provides an assessment of the CLS in the Krachi traditional area showing the awareness, potential

benefits and suggestions from stakeholders in the area for an improved operation of the CLS office. The final section provides a summary and conclusions with recommendations on the way forward.

The Key findings of the study include the following:

- The main traditional institutions responsible for land management in the Krachi CLS are the chieftaincy system, clan/families and to a limited extent chief priests of deities in the various traditional areas. The origins of claims to land ownership were first occupation and clearance of land. In this respect there are instances of competing claims on same piece of land, prominent of which are the disputes between the Atwode and the Nanumbas in Nkwanta North district and between Atwodes and Chalas in Nkwanta town. The traditional arrangement for access to farmland for indigenes is through their clan/family heads. The Krachi CLS area is dominated by chieftaincy and family owned patrilineal system. Males farm on lands their fathers and grandfathers used to farm on. Females have access to their husbands' lands as well as that of their own fathers but through their brothers. Strangers access land through their landlords who normally lead them to their village chief/head of clan/family. Drinks and or drink money is presented to the chief/head of clan/family for customary rites to be performed before the stranger begin farming on the allocated land.
- Rights to land in the Kete Krachi traditional area can be conveniently categorised into primary and secondary rights according to the source of the right. All indigenes have a birth right to land which constitutes their primary rights. Secondary rights are derived rights obtained from primary right holders. Land fragmentation, and the desire for specific bio-geographical conditions and migration, account for the necessity of obtaining secondary rights. These are often in the form of share-crop arrangements, renting, leasing, and contracts and borrowing. Theoretically, all people under stool lands are ONLY land users

and not owners. Primary rights preclude the right to transfer land which is an important component of security of land ownership. Women's rights to land are tied to male members of the community. The more abundant land is the unlimited rights women have and vice versa. Migrant communities are experiencing a gradual erosion of their pseudo-primary rights as these are transformed into unsecure secondary rights under pressure from commodification and population pressure. Secondary rights to land are used by all groups of people be they indigenes or migrants. Borrowed lands are the most unsecure with several limitations with the most important being inability to cultivate perennial crops. Leased lands are more secured than borrowed lands. Share-cropping arrangements have clearer rules and guarantee the tenant his fair share of agreed output though it is exploitative. Different groups of people suffer different levels of vulnerability. Indigenes have more certainty and protection than migrants.

- The current socio-economic conditions have led to conversions of agricultural lands for housing construction and the provision of social services and infrastructure. Generally, conversion rates have been low in the entire area. Spatial and socioeconomic differences in conversions between the studied areas and the different land users were minimal. In all respects, male dominance and the prominence of Krachi West in these conversions were clear. Due to population pressure the bush fallow system is giving way to intensive cultivation. Market-driven demand has led to specialisation in crops such as yams, cassava and oil palm. Land degradation has led to the abandoning of cocoa cultivation.
- People's awareness of the existence of the CLS was found to be very low and beyond Krachi town and its immediate environs very little is known about it. The poor level of awareness has also resulted in lack of knowledge of its specific roles and functions. Therefore dealings with it have also been poor even though the

CLS concept was generally accepted as very good and relevant with capacity to assist with improvement in land management and administration in the area.

The recommendations of the study are that there are still many sticky issues that need to be ironed-out between different communities regarding multiple claims and boundary demarcations. A standard is needed in guiding land transactions of families, indigenes, migrants and women. The CLS is especially relevant to help traditional authorities fashion out modern responses to modern problems. To do this the office has to be decentralised and its manpower strengthened to engage in sensitisation and subsequent registration of interests by helping communities to plan and design basic rules of land administration guided by national level land policies.

4.1.9 Report on Gender Guidance Document for the Land Facilitation Activity: The Awutu Senya Pilot Registration District (2009)

This report has 56 pages and 5 Chapters.

In August 2006, the Millennium Challenge Corporation (MCC) and the Government of Ghana (GoG) signed a five-year, \$547 million grant agreement (COMPACT) to fund a Programme designed to help reduce rural poverty through targeted Agricultural, transportation-related and social infrastructure (rural water supply, sanitation and education) interventions. The Programme is to conform to MCC and Government of Ghana Environmental and Gender Policy. Under the Millennium Development Authority Act, 2006 (Act 702), the Millennium Development Authority (MiDA) was established by the Republic of Ghana to oversee and manage the implementation of the Ghana Programme under the Millennium Challenge Account.

The Agricultural Project is designed to enhance the profitability of staple food and horticultural crops and to improve delivery of business and technical services to support the expansion of commercial agriculture among farmer-based organisations (FBOs). The Project has six major

activities, each activity has its objectives and sub-activities: Farmer and Enterprise Training in Commercial Agriculture; Irrigation Development; Land Tenure Facilitation; Improvement of Post-Harvest Handling and Value Chain Services; Improvement of Credit; Services for On-Farm and Value Chain Investments; and Rehabilitation of Feeder Roads.

There is a link between gender, tenure security and poverty. Gender inequality undermines development efforts aimed at poverty reduction and economic growth. Poverty on the other hand, exacerbates gender inequalities. Gender inequalities thus pose challenges to the effectiveness of development programmes, projects and activities such as the Millennium Challenge Account (MCA) Programme's Land Facilitation Activity. There is therefore the need to mitigate the potential impacts of gender inequalities on the effectiveness of the MCA Programme's Land Facilitation Activity. Gender equality consideration is important not only in its own right, but also as a means to ensure equity, promote human rights and contribute to the effectiveness of the Land Tenure Facilitation Activity.

Gender mainstreaming has been widely recognised as the most effective response to addressing gender inequalities. It has gained recognition and increasing importance as an instrument for ensuring women's participation and benefits in development programmes and for reducing poverty reduction. Accordingly, as part of the requirements for the Sensitisation and Gender Studies, a gender study is to be undertaken in the Awutu Senya Pilot Registration District in the Central Region of Ghana to unearth gender issues; identify vulnerable groups and understand the causes of their vulnerability; raise awareness on gender and women's land rights and propose guidance to MiDA for mainstreaming gender issues into the Land Facilitation Activity and the potential impact of the Land Facilitation Activity on the gender situation in order to ensure that women do not lose their land rights and that gender inequalities are not worsened as a result of the Activity. The output of the study would be a gender guidance document.

The Gender Guidance Document therefore, describes the approach that MiDA must adopt to mainstream gender into the Land Facilitation Activity in the Awutu Senya Pilot Registration District in line with best practices from similar land titling projects and best practices from mainstreaming gender into projects. It is primarily a framework for mitigating the potential impact of the gender issues in the Awutu Senya Pilot Registration District on the Land Facilitation Activity and the potential impact of the Land Facilitation Activity on the gender situation in the Pilot Registration District (PRD).

The methodology for the development of the Gender Guidance Document was based on information from a desk study, field visits and public consultations with Chiefs, opinion leaders and women and men in beneficiary communities, the District Advisory Committee (DAC) , MiDA officials and other concerned stakeholders on the gender issues in the PRD and suggestions for addressing them; and application of best practices from similar land titling projects and from mainstreaming gender into projects.

The Guidance document suggests that effective responses to addressing access to land and land tenure security must start with unearthing the gender issues in the communities in the Pilot Registration District (PRD), and understanding them and their potential impact on the Land Facilitation Activity.

The main gender issues found in the PRD are as follows:

- Socio-economic and cultural barriers and deep seated patriarchal norms.
- Women's economic empowerment not extended to accessing land: women can only access land through men – married women through their husbands and single women need witnesses.
- Women's land interests derived from, and embedded in uncertain land rights.
- Large number of women in polygamous unions.
- The threat of loss of women's access to land and other property upon dissolution of the marriages, especially to women in polygamous unions and widows.

- Taking of land from widows who return to their natal homes to sell to developers by male relatives when there is pressure on the land.
- Large number of women in consensual unions (“*mpera aware*”) or unregistered marriages; and the plight of widows.
- Ignorance of women’s rights and lack of knowledge on the existing laws on women’s rights.
- Lack of recognition of, respect for, and protection of women’s rights.
- Limited number of NGOs/CBOs working in the PRD and none working on women’s rights.
- Women constitute majority of the vulnerable groups in the PRD.
- Women’s low status poverty, vulnerability and their illiteracy.
- Some Chiefs’ hesitancy/reluctance to give three year land contracts.
- Unease and uncertainty about the land titling and registration and its outcomes by both men and women but for different reasons.

As far as the Gender Situation in the Awutu Senya PRD is concerned, the Guidance Document suggests that effective responses to addressing access to land and land tenure security must start with unearthing the gender issues in the communities in the Pilot Registration District, and understanding them and their potential impact on the Land Facilitation Activity.

The Gender Guidance document examines the relevance of the gender issues identified in the PRD and their effect on the success of the MiDA’s Systematic Land Titling and Registration Activity.

Women have derived (secondary) interests in the land; these interests also tend to be embedded in uncertain rights. There are also instances of chiefs and other male relatives taking land/farms from widows who return to their natal homes to sell to developers; or the same threat from in-laws to those widows who stay in their married homes by in-laws. The incidence of such abuses could increase as a result of titling.

The greatest challenge to MiDA's Land Facilitation Activity is posed by the socio-cultural beliefs and discriminatory practices stemming from entrenched patriarchal values. These influence gender relations and resource allocation within the households and communities and act as barriers to women's ability to access land and their tenure security. In addition to these, the lack of recognition of, respect for, and protection of women's rights and the ignorance about the laws enacted to protect women's rights in Ghana limit women's access to land and make them lose their rights when they either get separated from unions or are divorced, or have the misfortune of becoming widows.

The uncertainty of land rights, compounds the situation by making men very determined to hang on to whatever control they have over the land because they are unsure of the outcomes of this exercise. Men therefore see adding the names of their wives and other family members with interests on the land as a threat to their own tenure security. Men deal with this perceived "threat" by refusing to add their wives' names to certificates that would be issued after the inventory of rights and registration. If these threats are carried out, there is a real danger that women will be excluded from the Systematic Land Titling and Registration Activity. This could eventually lead to loss of access to land and tenure security because of the gender inequalities in the PRD.

There are opportunities for MiDA's Systematic Land Titling and Registration Activity to have a positive impact on the gender inequalities in the PRD. By adopting registration of interests instead of titles, the exercise could improve women's access to land and tenure security because women's interests would be documented and their names would appear on certificates. Inclusion of a gender expert as part of the sensitisation team would facilitate unearthing of gender issues and making of recommendations to address them. Gender awareness and sensitisation built into the sensitisation activity is an opportunity for men and women in the community to understand the relevance and importance of gender to development in the communities and work on improving gender relations. Inclusion of women as technical consultants

(ADR), Land Committee and on DAC could serve as role models for women in communities.

However, the Land Facilitation Activity has the potential of also negatively impacting on the gender situation. Respecting local practices by using existing agreements as basis of titling in the situation of customary practices that are inequitable could inadvertently contribute to exacerbating existing gender inequalities by increasing male control over women. Secondly, if Chiefs do not agree to give tenancies of three or more years, it would affect women more than men. Finally, if land titling and registration goes ahead without taking the existing gender issues in the PRD into account, women would not benefit from the titling and could be worse off than before the project, defeating the objective of ensuring that women participate and benefit from the project. There is the need for measures to mitigate the potential adverse impacts of the project and of the gender inequalities.

The Gender Guidance Document first proposes gender issues, impact and mitigation matrix as a planning tool with which to identify focus areas for responses to gender inequality, as well as qualitative and quantitative indicators for measuring outcomes, effects and impact. Mitigation measures include gender awareness and sensitisation, encouraging participation of women, ensuring good listening skills and open minds and sensitivity to the needs and concerns of both men and women from workers; handling conflicts which arise with ADR techniques in a gender sensitive way; DAC monitoring and giving feedback to MiDA; encouraging women in consensual unions and those who are married according to customary marriages to register marriages, legal education on the Marriage registration law and the Will's Act; Advocacy to change mind-sets and to reduce the costs of marriages to encourage couples to formalise unions, creating opportunities to discuss gender relations, and how to improve relations between men and women in households; Women's leadership and self-assertiveness training, MiDA Land Project Manager taking concerns about lack of basic amenities, etc. to other MiDA project managers of the subject areas concerned, MiDA/DAC continuing negotiations with chiefs to persuade

them to give long-term tenancies, DAC and Opinion leaders persuading men to register land interests of their wives and handling conflicts in gender sensitive ways.

The document asserts that in order to realise the objectives of increasing women's participation and improving security of land tenure, MiDA must take the needs and interests of men and women into account.

The Gender Guidance document emphasises the choice of gender mainstreaming as the strategy for addressing the potential impacts of gender inequality on MiDA's Land Facilitation Activity's effectiveness and proposes a framework to guide MiDA in mainstreaming gender into the Land Facilitation Activity. Gender mainstreaming in this context does not replace the need for targeted women-specific activities, where required. A number of principles are given to guide mainstreaming of gender into the Land Facilitation Activities.

The overall objective of mainstreaming gender into the Land Facilitation Activity is to increase women's participation in the Land Facilitation Activity and improve their tenure security. The framework proposes five key areas for MiDA's response, each one with a specific objective. They are: Research, Monitoring & Evaluation; Information, Education and Communication (IEC); Capacity Building; Resource; and Partnerships Building. Specific actions are proposed for each of the five areas:

- Research, Monitoring & Evaluation: There should be research to provide sex disaggregated data for establishing baseline conditions with respect to women's rights and to track changes in baseline conditions.
- Information, Education and Communication (IEC): this includes Gender awareness follow-up discussions with women and men and discussions with Chiefs and Queen Mothers on relationships between women and men, and how to develop the communities.
- Capacity Building: It is proposed that MiDA builds institutional capacities for gender mainstreaming, legal education in law and women's rights. There should also be skills building in identifying

the linkage and relevance of gender to land issues and land titling, as well as recognising the gender issues in specific work areas. Capacity building is proposed for the following levels: (1) MiDA: Land Team, M& E staff, Consultants and collaborating agencies; (2) Community level: Traditional Authorities, including Queen Mothers, women's groups, men and women; (3) District Assemblies, District Advisory Committee.

- Resources: This includes ensuring a budget line for gender mainstreaming activities, inclusion of gender sensitivity requirements in contracts and in terms of reference for consultants.

Partnership building: covers MiDA building and strengthening strategic alliances, especially between Duty bearers and Rights holders; between MiDA and Women's Rights and advocacy groups such as FIDA and WiLDAF to provide legal awareness education and advocate for removal of negative cultural practices. Fostering collaboration between the District Assembly and NGOs to draw them to the district.

The Gender mainstreaming framework is to guide work in the Awutu Senya District and any future Land Facilitation Activity interventions. The success and gender responsiveness of the MiDA Land Facilitation Activity is dependent on the gender sensitivity of its consultants and the technical personnel involved with the projects; the level of women's motivation to participate fully in the titling and registration activities, and men's willingness to give them the space to participate and to have their voices heard without intimidation; women's agency and willingness to confront patriarchy; and the commitment of various stakeholders: Traditional Authorities, men's level of buy-in and commitment to the titling process, commitment and vibrancy of the DAC, MiDA's willingness and commitment to dialogue and negotiate with Traditional authorities and other relevant stakeholders; its timeliness in responding to feedback from the communities and the DAC; and its commitment and support for mainstreaming gender equality concerns into its work. Therefore efforts must be made to ensure that these conditions are met.

Steps are also given in the document for The Land Facilitation Team and MiDA to take to make the gender mainstreaming framework operational. They are:

1. Reviewing, approving and adopting the Gender Mainstreaming Framework
2. Recruiting a Gender Expert for MiDA and appointing a Gender Focal Person. The Gender Expert will be in charge of gender concerns and advise MiDA. The Focal person will coordinate gender activities. The Gender Focal person should be one of the key links in the feedback mechanism established for the Systematic Land Titling Registration Exercise (See report on Systematic Land Titling Activity). One person could play both the role of the Gender Expert and the Gender Focal Person.
3. Facilitating the process for communities to select gender focal persons (one male and one female) to support community-level activities.
4. Organising a one day workshop to review the indicators and set targets; develop timelines and assign roles and cost the plan after it has been adopted.
5. Committing enough resources (human and financial) to ensure successful implementation of the plan.
6. Communicating the Plan to all stakeholders whose participation and/or support is needed. Communication at the District and community level should be facilitated by the DDAC.
7. Monitoring and regularly reviewing the Plan.

The Gender Guidance document concludes with lessons learned and recommendations.

The lessons learned include the following;

1. Not taking community social events and activities into consideration affects community participation and field work schedule.
2. There is the need for the consultants to pace themselves to go at the pace suitable to the community members and allow them to absorb and internalise the new information.

3. Flexibility on the parts of consultants in the field allows better engagement with communities and yields better results in terms of information generated
4. Not fully involving all community members in the selection of projects results in community members perceiving the choices as imposed from top down and poses a risk to community ownership and commitment.
5. Change is slow and any change, especially with gender relations and socio-cultural practices would be slow and long-term not allowing enough time for reflection on new ideas and organising. Having follow up sessions after sensitisation and awareness creation on gender affects internalisation of new knowledge and understanding and slows down the process of attitudinal and behaviour change even further.

Some of the Recommendations of the Gender Guidance document include the following;

- For maximum participation and optimal results, the time set for field work should take community social activities and events into consideration. Background information to be gathered on a Pilot Registration District should include dates of social activities for the plan period in order not to interrupt work.
- For future pilots and other interventions, gender issues from the baseline studies should be acted, filmed and used as IEC material for sensitisation and awareness creation on land rights and gender issues.
- MiDA should take up the suggestions proposed by men and women in the communities and by non-beneficiary stakeholders and with the help of the District Advisory Committee start implementing them as soon as possible.
- MiDA should ensure that Gender awareness follow-up sessions are held with women and men. It should include community discussions, particularly with Chiefs and Queen Mothers on relationships between women and men, and how to develop the communities.

- MiDA should coordinate and have Women's leadership and self-assertive forums/workshops organised for women in the communities.
- MiDA should facilitate and ensure continuous dialogue and negotiations with Chiefs to persuade them to issue the three year contracts. DAC can play a role in this.
- MiDA should facilitate the process for the District Assembly to attract NGOs working on women's rights to the District.
- MiDA should collect sex disaggregated data to monitor the situation of women and the impact of the Land titling and Registration Activity on women's rights and the overall situation of women. This would need the development of gender sensitive indicators to track progress.
- The issues discussed with Chiefs during the Consultative Forum; and the key issues and challenges which emerged from the study point should be tracked throughout the project cycle.
- MiDA should request broader consultations with the wider communities in selection of projects in order to assure community members that choice of projects are demand driven.
- Gender awareness and sensitization sessions and skills building in gender planning for MiDA partners to take up some of the activities in the field, for example the agriculture extension agents, who work closely with the communities.
- Include a budget for a comprehensive baseline gender study
- Partner with Gender and Women's rights organisations to provide legal literacy education and advocacy for changes in negative practices and for social recognition of women's rights
- Continue education and discussions in communities on gender to foster attitudinal change
- Design forms for inventory consultants to include provisions for joint titling, names of all those who have interests on the land. If possible
- Add a requirement in the terms of reference for that female and male household members be interviewed during the rights inventory
- Include budget for role play and for baseline surveys.

4.1.10 Report on Paper Prepared for FAO Conference on Promoting Women's Access to and Control Over Land – Progress so far made, Community Land and Development Foundation, (2008)

This is a 14 page paper prepared for FAO conference on “Promoting women’s access to and control over Land-progress so far made”: In Nairobi-Kenya, from the 16th -20th June 2008 and was prepared by the Community Land and Development Foundation (COLANDEF).

According to the paper, studies have shown that women experience greater levels of poverty. They have heavier time burdens and lower literacy rates. Women are obliged to spend a great deal of time not only working in family enterprises, but in the nurture and rearing of children, and in important household tasks.

These factors contribute to limit the ability of women to effectively access their land rights so as to enhance their productivity and their livelihoods. Women also have little access to information and registration procedures. As such even in cases where a woman has the means to effectively acquire property, they tend to rely heavily on the support of men to follow through with the legal requirements.

This sometimes creates problems because some men take advantage of this situation to rid the women off their entitlements. For similar reasons as illiteracy and lack of information, women who work hard to support their husbands in acquiring landed properties, do not ensure that their names are registered as co-owners of such properties. And even in cases where the woman is aware of the need for such a procedure, they do not have a strong bargaining power to get it done. They therefore leave it at the mercy of their husbands and in cases of death or divorce; they are likely to have problems securing their share of the property.

From the foregoing, it is worth noting that in the public sphere; women tend to have lesser ability to benefit from the formal structures established by the state for ensuring security of tenure, including registration systems and other land sector services. Formal procedures for ensuring security of tenure, including registration processes are so

cumbersome, expensive and time consuming. This gives women lesser opportunities to comply with such formal processes because of their limited access to information and lack of financial resources and time needed to comply with them.

Beyond the aforementioned factors, there are a number of other factors that makes it difficult for women to take advantage of the registration process to secure their title. These include:

- Ignorance on the part of the general public especially the rural folks, due to the absence of public education on the provisions for land registration – an average person on the street knows close to nothing about what has to be done after a piece of land is acquired from a chief or any landowner. At best, they get a ‘lawyer’ to draft some kind of agreement for them and that ends it. Thus knowledge about the ownership remains between the buyer and the seller and that leaves a lot of room for the ‘smart seller’ to engage in all kinds of manoeuvring at the disadvantage of the buyer. The most affected are the less educated or illiterate, the poor and also rural women engaged in all kinds of small scale activities on the land. This leaves the rural dweller with only one source of security – the social recognition through occupation. For the rural man, this works quite well and so he can enjoy a measure of security even without the documentation, but this does not apply to the same extent for the rural woman.
- Dual system of land administration which creates confusion for the ordinary person who engages in the land market.
- The centralised nature of registration centres – the legal provisions in the Ghanaian law enjoins the government to regulate the use of all lands and make provision for land registration services that give consent to all individual transactions on any parcel of land. There are six land sector agencies set up by government to fulfil various functions in land administration. These are however located only at the regional capitals. To benefit from their services, one has to travel from

which part of the region where the transaction took place to the regional offices. The inconveniences and cost associated with such trips deter people in the hinterlands from benefiting from the services. Thus they make their own arrangements with the traditional leaders and abandon the idea of coming to the region for the consent of the land sector agency. This has resulted in a number of misunderstandings amongst the partners in such bilateral arrangements and raises a lot of insecurity on the occupation of the land. As part of the Ghana Land Administration Project, Customary Land Secretariats have been set up on pilot basis at some traditional areas. When they are fully functional, these secretariats will provide limited services to land users in the traditional area. However most of the pilots that have been set up are only at their teething stages.

- Other challenges in the land sector identified are:
 - a) the weak functioning of the land sector agencies,
 - b) the absence of collaboration and co-ordination amongst the land sector agencies,
 - c) the multiplicity of legal and regulatory provisions that guide land administration which are complicated and cumbersome to comprehend and sometimes conflict,
 - d) indeterminate boundaries,
 - e) general indiscipline in the land market,
 - f) the absence of up to date cadastral records on stool/skin lands and therefore difficult to define boundaries,
 - g) lack of consultation on the part of policy makers, with landowners and chiefs in decision making on land

There are inequities in land transactions (for e.g., migrants versus indigenes, men versus women, traditional versus state requirements, collective versus individual interests etc.). These inequities create tension amongst actors and also serve as fertile grounds for people to take undue advantage of others. These tensions are even compounded because of the fact that the purely traditional/customary processes of land acquisition are evolving from the communal holding to an individualistic holding

where people actually pay for the interest they hold in the land. This situation deepens the divide and inequities, making the vulnerable even more vulnerable.

The documents state that progress has been made in some areas and highlighted below are some of them:

- One area where some progress has been made is in the area of awareness creation and sensitisation for communities and women themselves. In Ghana today, due to work of most NGOs and CBOs, there is a lot of emphasis on gender and women's issues in all aspects of social development. However very little has been done beyond the discussions. Men will still want to hold on to previously held beliefs and women retract back to their state of inactivity.
- There are a number of young educated traditional leaders in most communities now and that provides a good platform for discussions on structural moves to make to improve.
- The Land Administration Project has begun a programme of mainstreaming gender in the implementation of its activities. It begun with rounds of sensitisation for all the traditional areas in the ten regions of the country. These have to be followed up to support them in carrying out very simple actions they outlined at the end of these sensitisations.
- The creation of the Customary Land Secretariats has created a local platform for gleaning details of the conditions of women as compared to men. Even the secretariats have not yet taken advantage of this; it is one opportunity that could be tapped to bring the discussions closer to the people.

Some of the Lessons learned so far are that;

- Gender issues in land governance are purely situational. Experiences differ widely, even within the same country. It might therefore not be very creative to make general statements and draw inferences from them. Instead, discussions should be

situational in order to make the issues real to those who need to help in getting the change.

- Lack of knowledge and understanding on the part of women play a significant role in perpetuating their disadvantaged position. Accurate knowledge is essential in getting them to participate in change processes.
- Action on the part of women themselves in dealing with their own situations tend to have better response than when others try to deal with it on their behalf. It is therefore important that women are empowered to understand their situation better and be able to articulate their own concerns within the relevant spaces. This way, it will make the relevant impact on those hearing and thus likely to attract the needed attention.
- Concerns about women's issue should be packaged in ways that expresses shared responsibility rather than blaming since that will likely attract some resistance and draw back good communication needed to facilitate change processes.
- It is important to link people's understanding of gender and women's land rights to the context in which they work. It is this issue that most development actors struggle with.
- There is the need to involve those who have the decision making power (in the organisation or community) in any activity in order to ensure commitment to carry it forward.
- Institutional change is a slow process that requires persistence and creativity.
- Dealing with traditional authorities requires tact.
- One has to be conscious of the cultural and traditional practices of the specific traditional area to successfully relate to the traditional authorities.

The document states the way forward as:

- The Customary Land Secretariat Concept should be given much attention right at its set up. It is locally owned and located at the local level and so is more likely to be in the position to deal with issues affecting women's land rights at the local level.

- Strengthen a core of committed officers and traditional rulers to form a change management team.
- Support local development organisations to translate international discussions into local workable versions for the local communities in a sustained manner.
- Sensitisation and awareness creation should continue in a more structured way to build on the foundations laid already.

The report in conclusion adds that there is a mix of strategies to promote gender equity in land governance. From 2004, the Ghana Land Administration Project has as one of its foci, attempting to correct the imbalances. Currently they are working with a number of NGOs that are linked to gender mainstreaming activities. As part of COLANDEF's contribution it intends to continue to collaborate with them and other advocacy organisations to support in enhancing the traditional authority's ability to effect the needed changes in their areas of operation as far as women's land rights are concerned.

There are also mechanisms in place to reflect on their practices in order to learn and improve the effectiveness and impact of COLANDEF's programmes. COLANDEF will continue to explore different types of partnering relationships and look for opportunities for collaboration in order to improve its effectiveness in promoting gender-sensitive land governance.

4.1.11 Report on Recommendations for Integrating Gender Issues into the Land Administration Project; Review of Land and Gender Studies and Identification of Resources in Ghana (2005)

This study was commissioned by the Land Administration Project (LAP) of the Ministry of Lands and Forestry, with the support of the German Development Cooperation (GTZ). It was undertaken by Christie Dowuona-Hammond and Sheila Minkah-Premo.

In 1999, the Government of Ghana launched the National Land Policy (NLP) with the long term objective of stimulating economic development, reducing poverty and promoting social stability and equity by improving security of land tenure, simplifying the processes for accessing land, developing the land market and ensuring prudent land management. To implement its National Land Policy, the Government of Ghana in collaboration with its development partners (the World Bank, CIDA, NDF, DfID, KfW, GTZ and the FAO) has drawn up a long-term programme for Land Administration which is to be implemented over a 15-year period.

The report is presented in four parts. Part one is the introduction and background to the study.

Part Two of the report consists of a situational analysis on gender and land rights in Ghana, presenting an overview of specific gender issues which arise in land administration, a review of selected studies which have been undertaken on each issue, the findings, experiences and lessons learnt, as well as any gaps and shortcomings which may be identified. Proposals and recommendations are made for further studies which could be undertaken by LAP building on the lessons and experiences gained by the studies which have already been conducted.

Part Three of the report presents a comprehensive database consisting of a compilation of abstracts of existing materials (textbooks, journal articles, chapters in books, reports on research studies, policy papers, etc.) on gender and land rights and related issues in Ghana.

Part Four of the report consists of an inventory of the profiles of selected Non-governmental Organisations and Civil Society Organisations which have the capacity to contribute to the achievement of the objectives of LAP and recommendations on the possible roles which could be played by them in the LAP process.

The overall objective of the LAP is to develop a sustainable and well-functioning land administrative system that is fair, efficient, cost effective, decentralised and that enhances land tenure security. It is

expected that the LAP, by facilitating access to land and improving security of rights and interests in land, will help reduce the incidence of poverty in both rural and urban areas and strengthen capabilities of the poor and vulnerable to earn income. To achieve these objectives specific attention must be paid to the perspectives and realities of marginalised and vulnerable groups and issues of gender equity, poverty reduction and good governance should be reflected in the implementation of the project.

The objectives of the current study are three-fold:

- First, the review aims to conduct a situational analysis of what has been achieved with respect to gender and land rights, including lessons, experiences and gaps in studies conducted and make recommendations on how these experiences could be reflected in the implementation of LAP project activities.
- Secondly, the study aims to identify studies on gender and land rights that have been undertaken by project partners and other stakeholders and create a database for the materials identified.
- The third objective is to create an inventory of all Non-Governmental Organisations and CSOs involved in gender, land and related issues, and an assessment of possible roles that such organisations could play in the LAP process.

The methodology employed involved mainly desk research and stakeholder consultations. In particular the assignment entailed the following:

- A comprehensive review of the LAP project appraisal document and other LAP documents, policy papers etc.
- Review of research studies commissioned by LAP partners and other stakeholders on land and gender issues, including studies on inheritance rights and the regulation of property rights of spouses in Ghana.
- Extensive stakeholder consultations, including consultations with identified institutions, NGOs and CSOs with a mandate on gender and law issues.

- Compilation of profiles of identified NGOs and CSOs, analysis and collation of information on the areas of specialization and capacities of selected NGOs and CSOs as the basis for making recommendations on possible roles they could play in the LAP process.

Some of the recommendations that were made for mainstreaming gender include;

- Developing a Gender Strategy for LAP which will require the gathering of gender sensitive data using appropriate participatory rural appraisal tools and incorporating such information adequately in the design, implementation and monitoring process of LAP
- Improving Women's Access to Information on Land Rights, LAP could collaborate with NGOs with skills in capacity building and community mobilisation to develop training manuals on specific land issues, translate selected land laws including inheritance laws etc. into the major Ghanaian languages for effective dissemination particularly to the rural population and educate women on avenues for the attainment of their land rights.
- Enhancing Women's Security of Tenure by Enhancing Access to Law Enforcement Structures; In this regard, LAP will have to work with traditional authorities, community leaders, lineage and family heads on the need to ensure secure land tenure for women as well as men and to work with customary land owners to adapt existing mechanisms and procedures to enhance the protection of the land rights of women and the poor in situations of land conversion, compulsory acquisition of land etc. With regard to the enforcement of women's land rights, vigorous efforts must be made to enhance the use of alternative dispute resolution methods at the community level for resolution of land related disputes as envisaged under the proposed customary land secretariats.

- Ensuring Effective Representation of Women in Land Policy Implementation Agencies; it is important to note that the Constitution in Article 35(6) requires the State to take appropriate measures to achieve reasonable regional and gender balance in recruitment and appointment to public offices. Article 36(6) of the Constitution also enjoins the state to take all necessary steps so as to ensure the full integration of women into the mainstream of the economic development of Ghana
- Gender Sensitisation and Training for Officials of Land Sector Agencies; would require the strengthening of the capacity of local level institutions to administer land and adjudicate disputes in a gender-neutral way, through the recruitment of female personnel, the training of personnel and review of existing practices. Officials of all the land sector agencies and all persons involved in land administration must be trained to ensure gender equity in the administration of land laws.

The report concludes by stating that special efforts must be made to include women in committees mandated to prepare land reform proposals to ensure that the specific concerns of women are addressed in land policies and laws. Women must be specifically consulted during research and consultation preceding statutory amendments. There should be adequate representation of women on any committees set up to contribute to or oversee the implementation of project activities under LAP itself. It is also important that national and local level indicators are developed to help measure progress towards the achievement of equity for women in land rights.

4.1.12 USAID Feed the Future Ghana Agriculture and Natural Resource Management Project (AgNRM) Implementing Partner- Land Tenure and Natural Resource Access Issues in Northern Ghana- With a Focus on Women, USAID Ghana, Cecotaps, Winrock International

The USAID Feed the Future (FiF) Ghana Agriculture and Natural Resource Management Project (AgNRM) seeks to reduce poverty through sustainable increases in wealth and nutrition from natural and non-traditional agriculture products. Implementing partner-CEOTAPS from a project undertaken called 'Feed the Future Ghana Agriculture and National Resource Management Project,' with funding from USAID Ghana and Winrock International. It has 60 pages and 7 sections covering various issues.

Section 1 of the report is an introduction, which includes a brief description of what the initiative is, what it does, its intentions and objectives. Section 2 covers a lot of issues and comprises a background to the land tenure system in northern Ghana. It discusses the geographical scope which the initiative intends to positively affect, a brief history of those three areas (Northern, Upper East, Upper West Regions) and a description of the ethnic groups found there. Section 3 looks at customary land administration and management as well as that by the state. It looks at who is in charge of these lands and provides a brief description on policies regarding such lands. Section 4 of the report deals with women's right to land in northern Ghana. Section 5 of the report looks at the nature of land and natural resource disputes and conflicts in the northern part of the country. Section 6 looks at State fostered interventions and reforms. This section is about which groups of people benefit more from the progress of state involvement in land administration. The last part which is section 7 summarises recommendations for the AgNRM project. It contains suggestions on how the project can promote women's rights to land.

The report indicates that fundamental to the success of the AgNRM project is secured access and rights to land and other natural resources. Tenure security is the precondition for sustainable development,

protection of the environment and wealth creation, yet many women, migrants and settler farmers are denied access due to local land tenure practices. Insecure tenure rights and poor demarcation of land boundaries are the primary cause of the numerous land and chieftaincy conflicts. Increased demand for land, inappropriate regulatory frameworks, bureaucratic inertia and political exploitation have contributed to the insecure and contested land tenure systems in northern Ghana. Misconceptions of what constitutes “customary” land tenure practices have concealed a plethora of customary land tenure systems, and the diversity of legal, cultural, economic and political systems within which land tenure and property rights operates in a multi-ethnic rapidly changing environment like in northern Ghana. The institutional and normative plurality, the competition over access to land is as much about the scope and constitution of authority as about availability of and access to resources. The aggrandisement of culture, tradition and custom conceals the inherent injustices to women and minority groups of the patriarchal systems of inheritance. The male dominated system works against the interest of women in accessing and controlling land. All these factors conspire to exclude many people, especially women and vulnerable farmer groups, from secure access and rights, with dire consequences for sustainable livelihoods and biodiversity conservation and natural resource management practices.

Furthermore the report reveals that women, migrants and settler farmers form the bulk of the work force in food production in northern Ghana; women make up about 50-70 percent of the work force in the agriculture sector, produce 50-70 percent of the food crop within the sector but earn less than 10 percent of its income. (GSS, 2015). Despite the enormous contribution of rural women, they do not have equal access to, control over and ownership of land and other assets on which their livelihood depend. The insecure tenure systems inhibit their full participation in improving food security at both the household and community levels, as well as safeguarding natural resources. It is widely hypothesised that if women were able to obtain greater access to and control over land, they would increase their productivity, contribute even more to household food supply, increase their incomes and improve their general well-being

as well as that of their families. In addition, secure land rights are generally accepted to be a motivation for making greater investments in the land; secure land rights also improve a land holder's access to credit, local and regional markets, bargaining power and status within the community.

The marginalisation of women with respect to the denial of their political, social, economic and cultural rights affects their access to services such as health and education and resources including land and water, leading to high poverty and fewer economic opportunities. The key to reducing poverty, increasing wealth, food and nutritional security is to provide all community members with greater and more secure access to services and natural resources.

In terms of intervention strategies, AgNRM aims to make a positive contribution by finding ways to support and promote the enforcement of legal provisions promoting women's rights, particularly their right to access and security to use of land and other natural resources. The project will support the review of traditional practices affecting women land rights in rural communities across parts of northern Ghana and advocate positive and more equitable changes within local society.

The assessment presents a summary of the local systems and broader laws that affect land and resource tenure practices in northern Ghana. It offers a framework for understanding the nature as well as the extent of the issue, describes some of the methods to which people resort to improve their tenure security, identifies some of the main actors involved and reviews current policies and practices which claim or seek to address the current realities. The assessment presents the findings of several studies and published sources, but also draws on extensive personal knowledge and field experience. The findings from AgNRM's recent participatory field-level assessment in northern Ghana validate many of the findings presented in the broader body of literature on access and rights to land and other natural resources.

In view of the finding that women and vulnerable farmer groups do not have access to and control over land, AgNRM promotes women's access to land by building the capacity of women to participate in advocating changes to the local land practices and policies to increase their rights to land and other natural resources. AgNRM will focus on working with and through the emerging female leadership and women's groups in the projects' targeted Community Resource Management Areas (CREMAs). With regard to conflicts on land AgNRM will contribute to resolving conflicts by building women's capacity, and that of CREMA members, in Alternative Dispute Resolution (ADR), and by supporting the capacity building of law enforcement and judicial institutions, through gender sensitisation training and by raising awareness of existing laws and tools that support women's right to land and other productive resources.

4.1.13 Sky Limit Consult, Tamale for Shea Network Ghana (SNG), Baseline Study on Improving Marginalised Women's Rights to Access and Control of Shea Parklands to Guarantee Long Term Sustainable Investment Project in Northern Ghana, February 2018

This study was undertaken by Skylimit Consult, Tamale for the Shea Network Ghana (SNG) with funding from Star Ghana. It has 51 pages made up of five sections consisting of: an introduction which provides the background information, a section on the description of the methodology, another on research findings and discussions, conclusion and recommendations. This is followed by annexes.

The study was a baseline study conducted in 12 Districts in Northern Region (Mion, Karaga, Gushegu, East Mamprusi, East Gonja, West Gonja, Nanumba North), Upper East Region Kasena Nankana East and West) and Upper West Region (Lambusie Karne, Lawra District). It was commissioned to establish the baseline situation in support of implementation of the "Improving Marginalised Women's Rights to Access to and Control of Shea Parklands to Guarantee Long Term Sustainable Investment" project. It seeks to look at the existing relationship between land tenure system and their influence on women

and social groups that have been excluded from long term decision making on Shea resources and parklands management. The study employed a composite research approach comprising the application of both qualitative and quantitative methods of data collection and analysis. The key results are presented around the project objectives of types of landholding systems, socio-cultural challenges and local conventions on land ownership and access to Shea trees, factors and barriers militating against socially excluded groups and impact of governance, policy and institutional impact on Shea tree tenure.

The study revealed that except for one community, individual women and women groups have rights to lands as well as Shea resources. Also strangers/sellers including men and women can have rights to land ownership so far as they go through proper consultation with the various chiefs and land owners. Having access and ownership rights to land and Shea resources comes with numerous advantages to women within the study areas; these benefits empower them to invest more in the land and Shea business to improve household income and nutrition. Some benefits as mentioned by respondents were: aid in planning agriculture activities; gives independent control to the women and is economically beneficial as livelihood sources and income generating means.

Even though women have rights to land and Shea parkland resources in communities where the study was conducted, there are still barriers which hinder their ready access to and ownership of lands. The study noted that existing traditional norms and rules are more biased towards women and this tends to further limit their access and ownership of land.

It was revealed from the study that, traditional norms and taboos which protect Shea parklands no longer exist or are ineffective. An exception was, however, observed in one of the communities in the East Gonja District, where people who cut Shea trees were penalised. Also many were not aware of state laws that protect Shea parklands and trees. However, community members were aware of a convention banning logging of Shea trees and zero bush burning in most of the communities.

Given the increasing population growth, respondents (women) agreed that there will be increasing pressure on land for farming and settlement purposes. This will make it increasingly difficult to access land and Shea parklands.

Among the challenges mentioned in improving women's access to land and Shea resources, the study identified access to own land or Shea parklands as the most worrying issue for the women. This is because most women wanted to have access to land for productive agricultural activity at their own desired time. Awareness on women's rights to lands and Shea parklands resources through advocacy, sensitisation and education is critical for improving the status quo. It is also important for CBOs to collaborate with state institutions to develop strategies to improve women's access to land and Shea parkland. Despite the numerous challenges and barriers hindering the improvement of marginalised women's rights to access and control of land and Shea parklands, it was generally concluded from the study that rights to ownership do exist for women, but access to these rights and resources is a major challenge, future access to these resources were generally agreed to improve due mainly to the awakening of many on the importance of this resource.

4.1.14 Ghana Integrity Initiative (GII), Compiled by Dr Eric Yeboah: Women, Land and Corruption in Ghana, Evidence from Selected Case Studies, ISBN: 978-9988-2-3537-6 (2016)

This is a report on corruption and how it relates to land governance and women. According to the report, land is a major source of livelihood and social identity and men and women should have equal opportunities to access, control and use this single most important asset. However, there are several entrenched socio-cultural practices which tend to disadvantage women's ownership, access, use and control over land. When these cultural issues are reinforced by corruption, the outcome is highly toxic with more women than men exposed to some of the very harsh realities. This has informed the "Women, Land and Corruption in

Africa Project” which aims at understanding the concepts of corruption, land governance and women’s rights as well as how corruption impacts land rights of women in Ghana and other African countries, specifically Uganda and Zimbabwe. This book seeks to provide evidence of the current state of affairs regarding these issues and in the process provide evidence to guide to influence policy.

Data was collected using Rapid Evidence Assessment within the context of qualitative and quantitative research paradigms. Through the use of household survey, interviews, focus group discussions, review of relevant materials, and observations within selected case study areas across the country, the research engaged a broad spectrum of stakeholders, which among others include men, women, civil society organisations, personnel from the Lands Commission, Officer of the Administrator of Stool Lands and the Ministry of Food and Agriculture.

The study was conducted in three out of the ten regions of Ghana (Northern, Ashanti and Western Regions). The specific communities were Savelugu, Tamale and Wamale (Northern Region), Kumasi and Adomfe (Ashanti Region) and Agona Nkwanta and Ahanta Mpatasie (Western Region). The choice of these areas provided an opportunity to examine issues from rural/peri-urban/urban areas as well as matrilineal and patriarchal contexts. Some key findings from Household Survey are outlined below.

The findings of the survey revealed that corruption took many forms such as extortion, fraud and nepotism. Also the demand and payment of bribe is the most common form of corruption with customary leaders and public officials as the most culpable. The survey further revealed that men and women paid bribe for different reasons. Whereas women mainly paid bribe to prevent possible eviction, men did so largely to improve their sense of tenure security chance to speed up land transaction.

At Adomfe in the Ashanti Region and Ahanta Mpatasie, the report indicated that chiefs and elders in the communities strengthened their

grips on land and demanded arbitrarily fixed payments for the documentation of land rights of the community members. Migrants were largely targeted and those who cannot pay this levy face real danger of authorities. In the process, the land rights of migrants, especially migrant women become vulnerable and are left to face uncertain future. In other communities also, customary land holders were capitalising on this by allocating joint-owned land to non-members of the community for money, which is not necessarily used for the collective benefit. This has reduced the available stock of arable land in the area and women's access to land is increasingly becoming precarious.

The case in Savelugu highlights how rapid land use transition from agriculture to property development in the urban fringe can yield disproportionate implications for women. When women accessed land through the customary channel in the patriarchal context of Savelugu, they are only entitled to the use right. Inner city and peri-urban agriculture for food production has traditionally been dominated by women, mainly as a result of their gendered role as 'providers of food'. With population pressure resulting in rising peri-urban land values, custodians of such lands, who are invariably men are allocating such lands for money and in the process subject such land users who are mostly women to market driven displacements.

Worryingly, affected women have weak claim to compensation since they are seen only as 'licensees' who do not even have any documentation to back their claim. In effect, women are thrown out of their source of livelihood without any obvious alternatives. Under such circumstance the dire socio-economic implications for affected women become obvious.

Large land based investments are also exerting considerable burdens on the land rights of particularly rural women. Access to agricultural inputs and services are equally gendered and women tend to lose out, including being subjected to greater risks of climate change vulnerabilities. The report examines these and several other incidences where bad land governance, corruption and quaint cultural practices intersect to

undermine women land rights, their livelihood and their general wellbeing.

The report concluded that corruption in the land sector affects both men and women. Women are more affected when it comes to land and corruption because of the existing discriminatory socio-cultural practices such as limited roles in land related decision making and weaker/secondary rights, especially in patriarchal settings. There is, therefore, the need for action and several recommendations to drive advocacy. These, among others, include legal empowerment of women, building capacity of community based organisations working on women and land corruption issues and the introduction of the Land Administration Clinics.

5.0 ANALYSIS OF FINDINGS AND SUMMARY OF RECOMMENDATIONS

5.1 Introduction

The findings from the literature reviewed indicates that even though women are to have equal access to and control over land like men in Ghana, under many customary law systems in Ghana they do not have the same access to and control over land. There are several customary laws that inhibit women's right to and control over land. In addition the literature indicates that other socially excluded people like PWD and non-indigenes (migrants and settlers) also have challenges with access to and control over land in many parts of Ghana. Aside from gender, the literature found on other socially excluded groups was limited. Several recommendations have been made to address the challenges in land governance by socially excluded groups of persons. This section analyses some of the findings from the research in accordance with the Terms of Reference. Specifically it will do the following:

- Review lineage and inheritance systems in Ghana and its implications for gender equality and social inclusion in the land sector;

- Identify the gender and social inclusion gaps in the land sector and make recommendations/proposals to address the gaps/challenges;
- Propose strategies to facilitate dialogue with relevant actors to secure and protect rural women's land rights

The sub-sections below try to address these issues.

5.2 Review of Lineage and Inheritance Systems in Ghana and Its Implication for Gender Equality and Social Inclusion in the Land Sector

Existing studies indicate that the lineage system in Ghana are the matrilineal and patrilineal systems. This lineage system does have an impact on gender equality and social inclusion with regard to land governance.

The process by which direct genealogical connection of an individual and his or her forbears or offspring in Ghana, according to Nukunya, is known as decent. (G. K. Nukunya, *Tradition and Change in Ghana: An introduction to Sociology*, 2nd Edition, Accra, Ghana Universities Press, 2003, pg. 19). Succession and inheritance in the various families in Ghana are usually, through either the male or female line (Nukunya, 2003). He explains further that succession is the transmission of status or office, while inheritance means the transmission of property (Nukunya, 2003). The system where succession and inheritance are through the father's line is referred to as a patrilineal system, whilst that through the mother's line is referred to as a matrilineal system.

As demonstrated by the findings from some of the literature reviewed especially from the ACLP Series, the gender disparities with regard to land within the patrilineal system appears to be more pronounced than in the matrilineal system. Whilst succession to positions and offices within the family continues to be based on the lineage system, the inheritance system has seen a lot of changes since 1985 due to the legislation that was introduced by the state to modify the traditional inheritance system.

With regard to succession, positions in the family include appointment of customary successors for deceased members of the family and this depends on the lineage system. Offices in the family includes headship of the family, female leadership and chieftaincy positions. Some of these offices give the holder leadership in the management of family or stool land. In most traditional areas, where land is stool or skin owned, allodial title rests with the stool and the Paramount Chief, who is usually male, holds the land in trust for the community and is responsible for managing it. In areas where the allodial title rests with the clan or family the clan head or family head that is usually male, is responsible for overall management. At the individual family level where they hold usufructuary interest in land, the head of family who is usually male, holds control over the land. The female offices in the family do not usually have control over land. (See ACLP Series 3 to 7, 2011 for information on this issue from 20 traditional areas).

As indicated by a writer, (Tsutomu Takane, 2002), land rights in Ghana are held concurrently by multiple parties such as the traditional divisional chiefs, citizens and their lineage members. Second, the presence of the concurrent land right claims held by several people means that there is diversity and flexibility in the degree of control that the individual farmers exert over land. The strength of the control that a farmer can exert over land depends on factors such as extent to which control is exerted by other parties, methods of acquiring land and the nature of the land rights. Third, is the intertwining of the claims of rights from three groups, (wives, children and lineage members) when land is transferred from lineage members. Women generally hold secondary interest in land and their interest is linked to the interests held by their father or husband.

On the issue of inheritance, prior to 1985 as indicated in the Memorandum to the then Intestate Succession Law, the system of inheritance when a person died intestate depended on the deceased's personal law. This was determined by the type of law a person was married under and the lineage system of the deceased. With those from patrilineal systems married under customary law, properties of a

deceased man went usually to his children with the girls being denied landed properties. The surviving spouse had no inheritance rights. For the matrilineal system, inheritance was through a person's mother's blood line and properties were inherited by a man's sister's children. Here too a surviving spouse had no inheritance rights and the children of a man could be supported by the customary successor subject to good behaviour. For those married under the civil law (Marriage Ordinance, 1884 as modified) and the law relating to Islamic marriages (Marriage of Mohammedan's Ordinance, 1907 as modified) different rules applied with regard to intestacy which also discriminated against women.

In 1985 the Intestate Succession Law, 1985 (P.N.D.C.L. 111) was enacted to provide a uniform system for the devolution of the self-acquired properties of a person who dies intestate subject to the rules of private international law. Under section 2 it does not apply to family, skin or stool property. A person is deemed to have died fully intestate where he/she does not leave a will disposing of his/her estate and partially intestate where he/she does not leave a will disposing of all of his estate. Other key provisions are as follows:

- Section 3 provides that where the deceased is survived by a spouse or child or both, they shall be entitled to the household chattels of the intestate.
- Section 4 provides that where the estate includes only one house the surviving spouse or child or both of them, as the case may be, shall be entitled to that house and where it devolves to both spouse and child, they shall hold it as tenants-in-common. Where the estate includes more than one house, the surviving spouse or child or both of them, as the case may be, shall determine which of those houses shall devolve to such spouse or child or both of them and where it devolves to both spouse and child they shall hold such house as tenants-in-common. Provided that where there is disagreement as to which of the houses shall devolve to the surviving spouse or child or to both of them, as the case may be, the surviving spouse or child or both of them shall have the

exclusive right to choose any one of those houses; except that if for any reason the surviving spouse or child or both of them are unwilling or unable to make such choice the High Court shall, upon application made to it by the administrator of the estate, determine which of those houses shall devolve to the surviving spouse or child or both of them.

- After taking out one house and household chattels the rest of the properties are referred to as the residue and they are distributed based on whom the deceased left behind.
 - Under section 5, where the deceased left a spouse and children the surviving child is also entitled to nine-sixteenth of the residue of the estate and the surviving spouse three-sixteenth where the intestate is survived by a spouse and child. The remaining four-sixteenth is shared equally between surviving parents and in accordance with customary law. However before the distribution, where there is a child undergoing educational training, reasonable provision shall be made for that child before the distribution.
 - Section 7 provides that where the intestate is survived by a child and not by a spouse the surviving child shall be entitled to three-fourths of the residue and of the remaining one-fourth, one-eighth to the surviving parent and one-eighth shall devolve in accordance with customary law. In the case where there is no surviving parent, the whole of the one-fourth shall devolve in accordance with customary law.
 - Under section 9 where customary law is inapplicable, it shall devolve in equal shares to those beneficiaries otherwise entitled to share the residue under the relevant provisions of this Law.
- Under section 17 it is an offence to unlawfully eject from their home or deprive a spouse or child of a deceased person the property of the deceased before the lawful distribution in

accordance with law. It amounts to a criminal offence to do so with a fine and imprisonment if one is convicted.

- Amendment to section 5 of the Law by the Children's Act also required reasonable provision to be made for a child of a deceased who is of school going age before the distribution of the estate of an intestate in accordance with the Act.

From the summary, the portion that will devolve in accordance with customary law is very small. The law has, therefore, taken away most of the rights of the lineage system to determine the mode in which a deceased person who dies intestate's properties are to be distributed.

Even though the law is gender neutral, due to the gendered nature of property rights and the traditional exclusion of spouses from inheriting part of the property of their deceased spouse under both lineage systems, the Intestate Succession Law has had the impact of protecting the property rights of female spouses who were usually thrown out of homes and deprived of the secondary right to use land and this was devastating for rural women in particular depriving them of their livelihood. In addition female children in patrilineal systems who were denied the right to parental landed property now have the right to such properties.

However, there have been problems with the implementation of this law resulting in proposals to review it. (See Ministry of Lands and Forestry; Recommendations for Integrating Gender Issues into the Land Administration project; Review of Land and Gender studies and Identification of Resources in Ghana 2005). Some of the problems include the inequity that arises from the distribution of the property of a polygynous man, as against what he can inherit from each of the multiple wives due to the polygynous nature of customary marriages. Furthermore the provisions of the law does not adequately reflect Article 22 of the 1992 Constitution. Not everyone knows about the law and as a result many women continue to suffer and lose their right to land easily.

There was a Bill before Parliament (Intestate Succession Bill, 2013), which was intended to replace the existing Intestate Succession Law of 1985 due

to the problems identified with the existing law. The Bill, however, lapsed in December 2016 when Parliament failed to pass it. The Bill among others sought to separate the share of the surviving spouse from that of the surviving children. It also makes provision for children of school going age and for disabled children. In addition it seeks to incorporate the provisions of Article 22 of the 1992 Constitution to make provision for spouses' share of matrimonial property.

Whilst it is difficult to advocate changes to succession along lineage lines, it is possible to advocate on rules relating to inheritance to better protect the property rights of women including rural women. There is the need for advocacy to have the Intestate Succession Bill laid again in Parliament to ensure that women's property rights are better protected. There is also a need to continue educating women, particularly rural women about the existing law and how to access it. Several NGOs have over the years undertaken educational programmes but it is about time the state takes responsibility for this and the National Commission for Civic Education should take up this responsibility. With regard to access to the law, there is the need to apply to the courts for Letters of Administration by the surviving spouse, representatives of the surviving children and a family member of the deceased person prior to the distribution of the estate. There is the need for the Judicial Service to ensure that courts set up at the District level are functional.

5.3 Gender and Social Inclusion - Gaps and Recommendations

From the study, several gaps have been identified in several literature and reports on gender and other social inclusion in Ghana and some recommendations made on how to address them. From existing documents social inclusion issues arise around the following: gender based discrimination against women with regard to access to and control over land as well as discrimination against PWD, the youth or young persons, non-indigenes to a particular traditional area sometimes referred to as settlers or strangers, religious minorities, People Living With HIV (PLWHIV) among others.

This section summarises some of the gaps identified and the recommendations made.

1. Challenges with customary tenure system and customary land administration – several reports have indicated the challenges women face within the traditional land tenure system. There are also challenges with customary land administration that usually excludes women. Recommendations made include the following:
 - (a) The Land Administration Project should continue to enable more lessons to be learnt especially how they have been able to roll out the gender strategy.
 - (b) The Customary Land Secretariat (CLS) Concept undertaken under LAP should be given much attention right at its set up. It should be locally owned and located at the local level and so is more likely to be in the position to deal with issues affecting women's land rights at the local level. A standard is needed in guiding land transactions of families, indigenes, migrants and women. The CLS is especially relevant to help traditional authorities fashion out modern responses to modern problems. To do this the office has to be decentralised and its manpower strengthened to engage in sensitisation and subsequent registration of interests by helping communities to plan and design basic rules of land administration guided by national level land policies. There is the need to strengthen a core of committed officers and traditional rulers to form a change management team in communities. Sensitisation and awareness creation should continue in a more structured way to build on the foundations laid already.
 - (c) Lessons should be learnt from the recording of rural parcels that was piloted under LAP II and rolled out since many women are likely to get documents on their lands.

2. Gender discrimination in the acquisition of properties in marriage – Some reports including the one by Ministry of Lands and Forestry titled Recommendations for Integrating Gender Issues into the Land Administration project; Review of Land and Gender studies and Identification of Resources in Ghana (2005), as well as the book by Christine Dowuona-Hammond “Women and Inheritance in Ghana,” in Kuenyehia A., (ed.), *Situational Analysis of Some Key Issues Affecting Women*, Accra, Women & Law in West Africa (WaLWA), 1998 have identified discrimination against female spouses when it comes to property rights.

Article 22 of the 1992 Constitution of the Republic of Ghana calls for such properties to be equitably distributed. Under LAP the Land Act that is being developed has provisions to address this gap. Furthermore the Property Rights of Spouses Bill was developed to provide a comprehensive way of addressing such matters as far back as 2008 and is yet to be passed into law since it lapsed three times when introduced into Parliament. There is the need to follow-up on it.

3. Challenges faced by Women in Agriculture – The research undertaken before GADS II was based on a review of GADS I where several challenges were identified. Below are the lessons learnt from the implementation of GADS I:
 - (a) Disaggregated data were not backed by qualitative information about the situation of women and men; so it was difficult to appreciate the inequities; all data generated showed inequities and a growing gap between women and men farmers but they were not analysed to understand how they affected women and men’s access to agricultural inputs and resources differently;
 - (b) A cost-benefit incidence analysis of MoFA’s interventions was not done to assess the impact of women and men’s access to agricultural services;

- (c) There was no indication that all directorates were considering addressing the inequities except for the Plant Protection and Regulatory Services Directorate (PPRSD) and the Animal Production Directorate (APD).
- (d) While the PPRSD identified resourcing the gender desk and involvement of finance and administration in gender mainstreaming activities and planning, the APD targeted 30percent of women in their credit-in-kind project while WIAD paid more attention to male involvement in areas that were weak;
- (e) The overall goal was to promote gender equity and gender mainstreaming but there was no indication that continuous gender analysis of the data gathered was being done to inform policy, programming and budgeting; and
- (f) There were no clear gender indicators to guide the work of the directorates. The M&E plan had a column designated “sex disaggregated data where applicable”, but gender indicators were not explicitly defined. The lessons learnt have informed the development of GADS II and will influence its implementation to address the weaknesses highlighted above.

GADS II was therefore designed to address the challenges identified with GADS I

4. Challenges with the inheritance rights of women: When it comes to the inheritance rights of women there is the need for the review of the Intestate Succession Law, 1985 (P.N.D.C.L. 111) to address the shortcomings in it. Recommendations for Enhancing the Inheritance Rights of Women include (a) Proposals for Amendment of the Intestate Succession Law, 1985 (P.N.D.C. L. 111). Some of the recommendations are detailed below. The GTZ study commissioned by the Family Law Focal Area in 2002 resulted in a Memorandum for the Reform of the Intestate Succession Law 1985 (P.N.D.C. L. 111) which makes a number of recommendations for the enhancement of gender equity in the distribution of property upon death intestate of a spouse and to better promote the

inheritance rights of women under the law. The study makes the following proposals, among others:

- (a) That in order to better protect the interests of the surviving spouse in the estate of the Intestate it would be necessary to separate the portion of the spouse from that of the children in the distribution of the estate. One way to do this would be to modify the provision in section 4(b) to provide that where the estate consists of more than one house, the spouse will be entitled to one of them (the choice to be made by the spouse) and the children shall succeed to another house separately, before the distribution of the residue. The provisions must also be modified to grant the courts the discretion to give the spouses and different sets of children separate entitlements where the size of the estate permits it.
- (b) It is further recommended in the study that where the estate of the deceased is large enough (consists of several houses), the court must be given the discretion to vary the laid down prescriptions and allocate one house each to the wives, instead of requiring them to share one of the houses as co-owners with their children.
- (c) Duncan in her study on Women in Agriculture in Ghana, has also recommended that the Intestate Succession Law should be amended to take into consideration and reflect agrarian situations and should further be amended to cater for the interests of women who live with men in non-marital situations, who may have contributed significantly to the acquisition of property by partners, but are not recognised by the law in its present state as spouses.
- (d) Promotion of Will Making: Generally, the discussion of the inheritance rights of women in Ghana tends to be dominated by the law on intestate succession because of the typical absence of the culture of testacy in the country, especially in the rural areas. The promotion of Will making has, therefore, been proposed as one of the

effective means of enhancing the inheritance rights of the general population by ensuring that one's estate is distributed according to one's wishes. In many cases Will making is a preferred option to leaving one's estate to be divided mechanically according to the provisions of PNDCL 111. Generally, it is anticipated that the promotion of the culture of Will making would help eradicate the difficulties associated with intestate succession and contribute to the more orderly and predictable distribution of property upon death. However, it is noted that especially with regard to people living in rural communities, they face several challenges including lack of knowledge of the law on Wills and the lack of lawyers at the community level to assist them to write Wills, among others. The Family Law Focal Area of the GTZ Legal Pluralism and Gender Project in 2003 commissioned a study on the review of the law on Wills and the design of a model Will to be administered at the community level as a means of promoting Will making especially in the rural areas. The long term objective was to encourage people to use such simplified model Will forms which could be administered by the trained paralegals at the community level. The proposal could be followed up to ensure that people at the community level take charge of their property rights.

5. Need for gender mainstreaming in all projects impacting land
 - In all projects with an impact on land there is the need to adopt a Gender Mainstreaming Framework. This should include recruiting a Gender Expert and appointing a Gender Focal Person. The Gender Expert will be in charge of gender concerns and the Focal person will coordinate gender activities. The Gender Focal person should be one of the key links in feedback mechanisms. One person could play both the role of the Gender Expert and the Gender Focal Person. It will

be helpful for communities to select gender focal persons (one male and one female) to support community-level activities.

6. Challenges faced by persons with disability and other vulnerable groups with regard to land: No comprehensive study on vulnerable groups were identified during the study. A few reports had information on some vulnerable groups. For instance the ACL Series, has data on women, PWD, young persons, religious minorities and migrants outlining some of the discrimination against them. A few other reports also had sections on such issues including the situational analysis for GADS II. There is the need for more in-depth research on land and other vulnerable persons so that more lessons will be learnt for use in advocacy for policy change.

5.4 Strategies to Facilitate Dialogue with Relevant Actors to Secure and Protect Rural Women's Land Rights

A number of strategies have been made to secure and protect rural women's land rights in some of the documents reviewed. Several actions have been recommended to be taken by government. Relevant government bodies have to be targeted for advocacy. In addition other stakeholders that are required to be engaged as change agents or facilitators of change include the following: traditional authorities, family heads, CSOs, CBOs among others.

Some of the strategies recommended that will protect rural women's land rights are summarised below:

1. Lobbying and advocacy to get government to enact appropriate laws and policies to address gender and other inequities in land governance to better protect the rights of rural women. This should include the Ministry for Lands and Natural Resources (MLNR) and the Ministry of Justice and Attorney Generals Department. The Law Reform Commission and Parliament should also be targeted for lobbying. Women

must be specifically consulted during research and consultation preceding statutory amendments to ensure that their rights are protected adequately. Law reform and the review of existing laws to improve women's rights and access to land and awareness to increase and restore trust in the justice system. Some of the laws necessary to protect the interest of the rural woman includes the following:

- (a) Ensuring that the Land Act that is enacted has adequate provisions to ensure gender equity in the land sector as well as other types of inequities. Provisions should cover the property rights of spouses and the procedure for registration of interest in land should be simple and accessible.
- (b) Review of the Intestate Succession Law, 1985 (P.N.D.C.L. 111) – There is the need to enact a new Intestate Succession law to address the challenges with the current one. This will ensure that women's property rights in land acquired jointly for farming and other purposes are protected.
- (c) The Property Rights of Spouses Bill that was developed as far back as 2008 but failed to pass through Parliament three times and has lapsed should be taken to Parliament to ensure that Article 22 of the 1992 Constitution is complied with.

2. The Government through the MLNR and other stakeholders should continue with the Land Administration Project and ensure that strategies and activities aimed at protecting women are followed-up and made part and parcel of land administration in Ghana. They include the following:

- (a) Full implementation of the Gender Strategy that was developed.
- (b) Full implementation of the Customary Land Secretariat that records land transactions that will provide some security for women's interest in land.
- (c) Gender Focal persons engaged in all the Regional Lands Commission offices should be retained and given a wider mandate to address land related issues.

- (d) Continuous education for women on land laws and the procedure for registration of interest in land to ensure security of tenure continues.
 - (e) There will also be the need to lobby the Presidency to ensure effective representation of women in Land Sector Agencies; it is important to note that the Constitution in Article 35(6) requires the State to take appropriate measures to achieve reasonable regional and gender balance in recruitment and appointment to public offices. Article 36(6) of the Constitution also enjoins the state to take all necessary steps so as to ensure the full integration of women into the mainstream of the economic development of Ghana
3. Advocacy to ensure the full implementation of GADs II by the Ministry of Food and Agriculture (MOFA): The two-pronged approach to gender integration and equality in the agricultural sector should be followed up. The first approach is the integration of gender into policy formulation, programming and reporting in the sector. The second approach is gender targeted programming to address practical and strategic gender needs. Further research has to be carried out by the MOFA to ascertain the extent to which rural women benefit from extension services in the country. The preparation of the Gender and Agricultural Development Strategy (GADS) is to be commended as a bold step towards developing gender sensitive programming in the agricultural sector for its effectiveness, the document should be widely disseminated among staff and strategies and work plans designed to integrate the document into the workforce agenda.
 4. There is also the need to improve customary law rules on land in traditional areas and advocacy with Traditional Authorities including the various Houses of Chiefs to address gender and other inequities identified – Several reports have indicated the

discriminatory traditional norms at the community level that militate against women in particular. Since there are several traditional areas in Ghana there are also several such norms most of which are unknown. The National House of Chiefs (NHC) itself with support from others has begun the process of ascertaining and documenting some of these norms which have been validated. The validated findings provide ready evidence to use in lobbying traditional authorities to change inequitable practices.

- (a) It is important for NETRIGHT to get access to the data ascertained as a basis for advocacy in specific traditional areas. The NHC can also be engaged to advocate changes in discriminatory practices. They should also be encouraged to undertake more ascertainment projects in all traditional areas to enable more discriminatory practices against rural women to be ascertained so that they can be redressed. Dealing with traditional authorities requires tact. Consciousness of the cultural and traditional practices of the specific traditional area to successfully relate to the traditional authorities.
- (b) In addition, advocacy is needed for the retention of the State in the regulatory role in the disposition of stool Lands to provide a degree of protection to rural livelihoods. The institution of a legal framework to provide local communities clear responsibility for land and natural resources; the establishment of a monitoring mechanism within which the traditional set up to create awareness and gender sensitive land management policies/the promotion of good governance among traditional authorities of common pool resources such as land.

- 5. Community Based Organisations (CBOs) should be strengthened as advocacy networks to play advocacy for land rights on behalf of the marginalised in the community, advocacy for a legal provision to capture and formalise legitimate customary rights in formal law, review land

policies and legislations to strengthen the rights of the poor, landless, women and marginalised groups, equitable planning to ensure adequate supply of land zoned for agricultural purposes and finally the planning of a participatory land use which balances the needs of different land issues critical to ensuring Women's sources of livelihood.

6. Civil Society Organisations like NETRIGHT should set up a centre on women and land studies as well as other social inclusion and land governance issues. It could serve as a national resource centre on such land governance issues. This centre should have a well-resourced library with research materials on women and other social inclusion issues on land governance.
7. Other recommendations include the following to address the rights of rural women farmers along the food value chain:
 - There should also be education to establish the importance of fertilizer use as yield improvement mechanisms to the women engaged in agriculture.
 - The changes in trends in polygamy is also noted in the sense that studies have been carried out and proven that the extent of polygamy and traditional practices slow down the rate of advancement for women in Agriculture.
 - Policy reform is also needed in the areas of the recognition of the non-monetised areas for women works such as domestic chores, head loading of farm produce and sale of farm produce.
 - An improvement of the prestige of farming as an occupation is also needed and could begin from the primary level of schools where students will be exposed to the diverse benefits of being a farmer.
 - Steps must also be taken to address the socio-economic imbalances in development at rural urban levels and between the regions to empower people to have the access to basic services such as health, education, sanitation and water.

- The provision of accurate knowledge in getting women to participate in change processes. It is therefore important that women are empowered to understand their situation better and be able to articulate their own concerns within the relevant spaces. Involve those who have the decision making power (in the organisation or community) in any activity in order to ensure commitment to carry it forward.
- There is the need for more research to be undertaken on rural women's land rights to provide evidence for changes to improve their lot.

6.0 CONCLUSION

This report has identified literature as well as reports of some studies as well as papers that touch on gender and a number of other social inclusion issues relating to the Land Sector in Ghana and summarized some of them including their key recommendations. In addition a number of relevant laws have also been identified and summarised.

The research findings show clearly that there is discrimination in land governance in Ghana based on discrimination against women, persons with disability, the youth, children, the aged, people with different sexual orientation, and racial minorities among others.

It is hoped that the information provided in the report will assist in advocacy to improve gender equality and social inclusion within the Land Sector in Ghana and guide with advocacy for the rights of rural women in particular.

It is hoped further that NETRIGHT will take the opportunity provided by this project to set up a data base and library on gender and other forms of social inclusion on land governance issues in Ghana so as to serve as a resource base for work on this area.

APPENDICES

APPENDIX 1:

A. LIST OF LAND RELATED LAWS

Land Development (Protection of Purchasers) Act, 1960 (Act 2)
Farm Lands (Protection) Act, 1962 (Act 107)
Land Registry Act, 1962 (Act 122)
Administration of Lands Act, 1962 (Act 123)
State Lands Act, 1962 (Act 125)
Lands (Miscellaneous Provisions) Act, 1963 (Act 161)
Lands (Statutory Wayleaves) Act, 1963 (Act 186)
Public Conveyancing Act, 1965 (Act 302)
Conveyancing Decree, 1973 (NRCD 175)
Public Lands (Protection) Decree, 1974 (NRCD 240)
Intestate Succession Decree, 1985 (P.N.D.C.L. 111)
Land Title Registration Decree, 1986 (PNDCL 152)
Water Resources Commission Act, 1996 (Act 522)
Lands Commission Act, 2008 (Act 767)
Alternative Dispute Resolution Act, 2010 (Act 789)
Office of Administrator of Stool Lands Act, 1994 (Act 481)
National Development Planning Commission Act, 1994 (Act 479);

Regulations

Administration of Lands Regulations, 1962 (L.I. 232); Environmental
Assessment Regulations, 1999 (L.I 1952);

B. LIST OF RELEVANT POLICIES

National Land Policy, 1999
National Gender Policy, 2016
Food and Agricultural Sector Development Policy (FASDEP II) 2007
National Water Policy, 2007
Ghana Forest Wildlife Policy, 2012
Minerals and Mining Policy of Ghana, 2013
National Spatial Data Infrastructure Policy, 2013

National Environmental Policy 2014

APPENDIX 2: GUIDING QUESTIONS FOR RESEARCH ASSISTANTS

A senior research assistant, Karen Amissah-Ocran and a junior research assistant Carol Akuffo were given the following information to guide in collection of relevant reports for this report.

NAME OF RESEARCH: RESEARCH ON REPORTS OF STUDIES OF RELEVANCE TO GENDER EQUALITY AND SOCIAL INCLUSION ISSUES RELATING TO THE LAND SECTOR IN GHANA

PRINCIPAL INVESTIGATOR: SHEILA MINKAH-PREMO

WHAT THE RESEARCH IS ABOUT:

Sheila Minkah-Premo has been engaged by NETRIGHT to assist STAR-GHANA. Her responsibility is to undertake a desk review of recent studies, surveys and assessments undertaken with relevance to Gender Equality and Social Inclusion issues relating to the Land Sector in Ghana. As the intention is to be as 'evidence-based' as possible, it is important that results and findings of any recent reports be made available to the members of NETRIGHT.

She will be grateful if you would furnish her with copies of any gender related reports or documents from the year 1990 to date that you have to enable copies to be made (if possible) as part of the desk review assignment. You may refer all questions to Sheila Minkah-Premo on 0277554424.

Thank you

APPENDIX 3: LIST OF INSTITUTIONS VISITED

Community Land and Development Foundation (COLANDEF)
Department of Children, MoGCSP
Department of Social Welfare, MGCSP

GIMPA Faculty of Law Library
Institute of Local Government Studies (ILGS)
Ministry of Gender Children and Social Protection (MoGCSP)
Ministry of Lands and Natural Resources
University of Ghana, Legon – Balme Library,
University of Ghana- Sociology Library
University of Ghana-Institute of African studies (IAS)
University of Ghana-Centre for Gender Studies and Analysis
(CEGENSA)
University of Ghana- Institute for Statistical Social and Economic
Research (ISSER)

APPENDIX 4: LIST OF LAWS REFERRED TO

1992 Constitution of the Republic of Ghana
Chieftaincy Act, 2008 (Act 759)
Conveyancing Act, 1972 (Act 175)
Lands Commission Act, 2008 (Act 769)
Intestate Succession Law, 1985 (PNDCL 111)
Matrimonial Causes Act, 1971 (Act 367)
State Lands Act, 1962 (Act 125)

APPENDIX 4: BIBLIOGRAPHY

Anaglo, J. N. Boateng, S. D & Boateng C. A. (2014); Gender And Access
To Agricultural Resources By Smallholder Farmers In The Upper West
Region Of Ghana Journal of Education and Practice WWW.IISTE.ORG
ISSN 2222-1735 (PAPER) ISSN 2222-288X (ONLINE) VOL.5, NO.5

Ardayfio-Schandorf E, Momson J., 2009 *Gender, the State and Different
Environmental Places* (Perspectives from Developing Countries in Africa
and Asia) Accra Ghana Universities Press

Bentsi-Enchill, Kwamena 1964 – *Ghana Land Law, an Exposition, Analysis & Critique*. London: Sweet & Maxwell / Lagos, African Universities Press.

Clark G., 1994 “*Onions Are My Husband - Survival and Accumulation by West African Women Market Women*”, University of Chicago Press

Dowuona-Hammond C., 1998 “Women and Inheritance in Ghana,” in Kuenyehia A., (ed.), *Situational Analysis of Some Key Issues Affecting Women*, Accra: Women & Law in West Africa (WaLWA).

Duncan B.A., (2004). Women in Agriculture, Accra, 2nd edition, Friedrich Ebert Foundation

Department of Geography and Resource Development, University of Ghana; (2016) Report On Land And Agricultural Commercialisation In Ghana: *Emerging Employment And Labour Relations* Joseph Teye K, Yaro, J A & Torvikey G ,D.

Friedrich Ebert Stiftung; (2004) Women’s Manifesto for Ghana.

Ghana Integrity Initiative (GII): (2016) Women, Land and Corruption in Ghana, Evidence from Selected Case Studies, ISBN: 978-9988-2-3537-6) Eric Yeboah (Ph.D)

Kludze A.K.P., (1972) “Problems of Intestate Succession in Ghana” *University of Ghana Law Journal* 89.

Land Administration Project (2009) Land Rights and Vulnerabilities in the Kete Krachi Pilot Customary Land Secretariat Area

Land Administration Project; National Land Policy (1999)

Minkah-Premo Sheila, (2015) “Gender and Land, Implications for Agricultural Investments in Ghana,” paper presented At A Multi stakeholder Workshop on Agricultural Investments and Gender: Towards Inclusive Gender Equitable and Responsible Investments, Sponsored by FAO

Minkah-Premo Sheila, (2016) “Land-Rights For Women In Securing Decent And Sustainable Livelihood,” Paper Presented At Centre For Gender, Research, Advocacy And Documentation, University Of Cape Coast’s International Women’s Day

Ministry of Gender, Children and Social Protection; (2015) National Gender Policy

Ministry of Food and Agriculture; 2015 Gender and Agricultural Development Strategy (GADS II)

Ministry of Lands and Forestry; (2005) Recommendations for Integrating Gender Issues into the Land Administration project; Review of Land and Gender studies and Identification of Resources in Ghana

National House of Chiefs and Law Reform Commission, (2009) Ascertainment of Customary Law Series No. 1, Ascertainment and Codification of Customary Law Project, Literature Review Report on Customary Land Law in Ghana

National House Of Chiefs And Law Reform Commission, (2011) Report On Pilot Phase Of Ascertainment And Codification Of Customary Law On Land And Family In Ghana, Ascertainment Of Customary Law Series No. 3, Report On Pilot Phase Of Ascertainment Of Customary Law On Land And Family In Ghana, Vol. 1

National House Of Chiefs And Law Reform Commission, (2011) Report On Pilot Phase Of Ascertainment And Codification Of Customary Law On Land And Family In Ghana, Ascertainment Of Customary Law Series No. 4, Report On Pilot Phase Of Ascertainment Of Customary Law On Land And Family In Ghana, Vol. II

National House Of Chiefs And Law Reform Commission, (2011) Report On Pilot Phase Of Ascertainment And Codification Of Customary Law On Land And Family In Ghana, Ascertainment Of Customary Law Series

No. 5, Report On Pilot Phase Of Ascertainment Of Customary Law On Land And Family In Ghana, Vol. III

Nii Ashie Kotey, Mark Owusu Yeboah: 2003 Peri-Urbanisation, Land Relations and Women in Ghana, Access To Justice Series, Ministry Of Justice, GTZ Legal Pluralism and Gender Project, Ghana No 1

Nukunya, G.K (2003) *Tradition and Change in Ghana: An introduction to Sociology*, 2nd Edition, Accra, Ghana Universities Press,

Padmanabhan N., (2000) *Gender Relations and Agricultural Innovations in Northern Ghana.*

SEND-GHANA Women and Smallholder Agriculture in Ghana POLICY BRIEF NO. 4/ (OCTOBER 2014)*

Takane, T., (2002) *The Cocoa Farmers Of Southern Ghana (Incentives, institution and change in Rural West Africa)* ,Kenkyusha Printing co.

Tsikata D. (ed.) (2001) *Gender Training in Ghana: Politics, Issues and Tools*, Accra. Woeli Publishing Services

Tsikata, D., Yaro, J. A. (2014). When a Good Business Model is not enough: Land Transactions and Gendered Livelihood Prospects in Rural Ghana. *Feminist Economics*, 20, no1: 202–226.

UN OHCHR, Women and Land, Property and Housing commissioned report (2013)

UN WOMEN and OHCHR: (2013) *Realizing Women's Rights to Land and Other Productive Resources.*

Woodman, Gordon R. - “Two Problems in Matrilineal Succession”, (1960) 1 *Review of Ghana Law*,

World Health Organisation And World Bank Group: World Report On Disability, 2011*

Yaro, J A Joseph Teye K& Torvikey G. D (2017) Agricultural Commercialisation Models, Agrarian Dynamics And Local Development In Ghana *The Journal of Peasant Studies*, DOI: 10.1080/03066150.2016.1259222, ISSN: 0306-6150 (Print) 1743-9361 (Online) Journal homepage: <http://www.tandfonline.com/loi/fjps20>

Yaro, J A Joseph Teye K& Torvikey G. D (2016); Historical Context Of Agricultural Commercialisation In Ghana: Changes In Land And Labour Relation *Journal of Asian and African Studies* 1 -15 © The Author(s) 2016 Reprints and permissions: sagepub.co.uk/journalsPermissions.nav DOI: 10.1177/0021909616657368 jas.sagepub.com