



OUR LAND IS OUR LIFE



**A Study of Policies and Frameworks regarding Land Use,
Land Rights, Governance, Management and Ownership**

GHANA | 2022



WHEN SPIDERS
UNITE THEIR WEBS,
THEY TIE A LION!

CONTENTS

Acronyms & Abbreviations	v
Executive Summary	1
Introduction	3
Background to the Report	3
Purpose and Objectives of the Report.....	3
Scope and Methodology of the Report.....	4
Part One: Land Ownership and Administration in Ghana	5
Customary and Statutory Land Policies: An Overview.....	5
The 1999 Ghana National Land Policy.....	5
The Land Administration Project (LAP)	6
Subsequent Land Initiatives And Projects	6
Customary Land Law and the 1992 Constitution	6
Critiques and Challenges of Land Policies.....	6
Land Governance Mechanisms and Frameworks: A Glimpse into Ghana’s National Level Structures	6
Governmental Structures and their Roles	6
Challenges of the Customary Land Tenure System.....	7
Contemporary Concerns and Developments	7
Gendered Dimensions in Land Security	8
Multifaceted Challenges.....	8
The impact of current governance frameworks on land users	8
Key Challenges in Land Acquisition	8
Ground-Level Implications and Conflict Origins	9
Conclusion	9
Part Two: Land Conversions and Large-Scale Land Acquisitions	10
Introduction.....	10
Large-Scale Land Acquisitions in Ghana	10
Overview and Impact.....	10

Gender and Household Impact.....	11
Policy and Customary Rights Perspective.....	11
Justifications and Local Effects.....	11
Local Community Experiences.....	11
Part Three: International Bodies and Land Governance in Ghana	12
Introduction.....	12
Insights Into Land Governance from International Bodies	12
Barriers to Land Rights	13
Gender Dimensions in Land Rights	13
Part Four: Navigating the Path Forward	14
Introduction.....	14
Strategizing Land Rights Reform Policy Advocacy.....	14
Recommendations for Informing Land Rights Advocacy Efforts in Ghana.....	14
Identified Needs from the Study	15
Conclusions	15
References	16
About AFSA.....	20
Our Vision.....	20
Our Focus.....	20
Our Activities.....	20

Acronyms & Abbreviations

AFSA	Alliance for Food Sovereignty in Africa
AU	African Union
CAADP	Comprehensive Africa Agriculture Development Program
CSOs	Civil Society Organizations
CIDA	Canadian International Development Agency
DFID	Department for International Development
ECOWAS	Economic Community of West African States
FAO	Food and Agriculture Organization
FASDEP	Food and Agriculture Sector Development Policy
FBOs	Faith-Based Organizations
GCAP	Ghana Commercial Agriculture Program
LAP	Land Administration Project
MDAs	Ministries, Departments and Agencies
MMDAs	Metropolitan, Municipal and District Assemblies
MLGRD	Ministry of Local Government and Rural Development
NCS	National Catholic Secretariat
NGOs	Non-Governmental Organizations
OASL	Office of the Administrator of Stool Lands
RECs	Regional Economic Commissions
SDGs	Sustainable Development Goals
TCPD	Town and Country Planning Development
UN	United Nations





Executive Summary

The report offers a comprehensive analysis of land ownership, governance, and management in Ghana. It delves into the legal landscape and challenges surrounding land rights, with a specific focus on their impact, especially on women and youth, within the existing governance frameworks. The report also explores the implications of large-scale land acquisitions and the involvement of international entities in Ghana's land governance.

It underscores the complexities inherent in land governance and acquisition in Ghana. It highlights the varying roles and responsibilities within the Lands Commission and the Office of the Administrator of Stool Lands. Additionally, it addresses the challenges associated with the customary land tenure system, including the intricate power dynamics between the state and traditional authorities. The report also delves into the gender-related aspects of land security and the multifaceted challenges prevalent in land governance, such as land conflicts, an overburdened judicial system, and organizational inefficiencies.

The report advocates for a balanced approach that seeks to harmonize traditional practices with statutory formalization. It also calls for the elimination of gender bias and the rectification of organizational inefficiencies to ensure equitable and efficient land governance in Ghana. Furthermore, it explores the consequences of land conversions and large-scale land acquisitions on various stakeholders and the environment, especially for smallholders, women, and the youth. The report also delves into the perspectives of international bodies on land governance and identifies barriers to land rights in Ghana.

The report underscores the significance of land rights in Ghana, emphasizing the nuanced power dynamics and access to land rights within a gendered context. It proposes a strategic roadmap for land rights reform, advocating for a bottom-up advocacy model and providing recommendations to inform land rights advocacy endeavors. The report concludes by emphasizing the critical need for secure access to land and natural resources to advance African food sovereignty and the importance of amplifying

political pressure to expedite the implementation of policies that strengthen communal land rights.

Key findings from the report include the prevalence of indiscipline in Ghana's land market, characterized by land encroachments, multiple sales of residential parcels, and unauthorized development initiatives. Additionally, uncertain boundaries of stool lands, often due to unreliable maps and unqualified surveyors, escalate into conflicts and litigation. Land tenure security remains precarious, driven by conflicts among land-owning groups, both internal and external, suboptimal land administration, and the absence of comprehensive consultation with landowners

and chiefs during decision-making processes related to land allocation and acquisition. Land-related legal processes are protracted, constituting a significant proportion of court cases. Large-scale land acquisitions have resulted in locals being deprived of land, economic benefits, and livelihoods, leading to various socio-economic challenges. Furthermore, the impact of land grabbing on Sustainable Development Goals (SDGs) is significant. Despite land rights being fundamental in developing countries, Ghana faces numerous barriers to these rights, including challenges in land policy, regulatory frameworks, institutional arrangements, and an underdeveloped land registration system.

KEY RECOMMENDATIONS:

- 1. Government Land Banks:** Establish government land banks, primarily for local farmers, to improve land access and support farming activities.
- 2. Legal Review:** Conduct a legal review of Ghana's land laws, focusing on compulsory land acquisition in specified regions.
- 3. Agro-based Industrialization:** Promote agro-based industrialization to leverage the farming value chain and create employment opportunities, especially for women.
- 4. Spousal Property Rights:** Implement interventions for spousal property rights to benefit women and codify customary laws to protect the rights of peasants, women, and youth.
- 5. Public Awareness:** Launch public awareness campaigns on land acquisition protocols and legal procedures, involving media and civic education agencies in educating the public about land registration and purchase processes.
- 6. Institutional Reform:** Overhaul institutional land management, potentially adopting digital systems like blockchain-based land acquisition architecture.
- 7. Law Enforcement:** Enhance law enforcement and judicial systems, establishing fast-track land courts in regional capitals for efficient resolution of land issues.
- 8. Customary Tenure:** Shift focus from replacing the customary tenure system to developing its capacities to address abuse and tenure security issues.
- 9. Ethical Codes:** Encourage the regional House of Chiefs to formulate ethical codes of conduct, particularly regarding land management matters.



Introduction

Background to the Report

Ghana grapples with substantial challenges in land policy, regulatory frameworks, and institutional arrangements, which, along with an underdeveloped land registration system, present hurdles to efficient land administration. Six public agencies, operating loosely under two ministries, handle distinct aspects of land management, often resulting in expensive, non-transparent transactions and numerous tenure disputes.

Issues also stem from imprecise documentation of customary holdings, unclear land boundaries, conflicting records of land rights, and delays in negotiating and registering land rights acquisitions and transfers. With approximately 40,000 land tenure cases presently in the courts and growing concerns over foreign entities engaging in dubious land acquisitions, the complications are palpable, despite the legal protections offered to customary land rights and various access means for investors and local farmers.

Purpose and Objectives of the Report

This report originates from the African Civil Society Organizations (CSOs) and Faith-Based Organizations (FBOs) collaborative project, Our Land is Our Life, which seeks to cultivate a unified analysis, stance, and advocacy campaign on land rights and agroecology. National policy studies such as this have been commissioned to critically analyze land governance policies across five pilot countries in West and Central Africa (Ghana, Mali, Senegal, Togo, and Cameroon). The goals include:

- Analyzing existing customary and statutory land policies, governance mechanisms, and frameworks with a specific lens on peasants' rights, women's rights, and food sovereignty.
- Evaluating the current governance frameworks' impact on diverse land users, especially concerning human rights, land rights, access and control of land, and safeguarding customary land rights.

- Assessing the scale and impact of land acquisitions by national and international investors on land users.
- Evaluating the implementation of progressive guidance from the UN, AU, and RECs on land governance at the national level.
- Conducting a stakeholder analysis to comprehend the narratives, influences, and potential strategies to challenge those either supporting or opposing specific land policies.
- Identifying policy impediments and opportunities for policy advocacy.
- Offering recommendations for a land rights advocacy strategy.
- Identifying critical components for a Women and Youth Land Rights Charter in Ghana.
- Some vital questions guiding this study include understanding the accessibility of existing land management and administration regimes, necessary reforms for enhancing land use, alternative government approaches to guarantee easy access and user rights, and adopting and implementing global and continental land use frameworks.

Scope and Methodology of the Report

The report unfolds by exploring land ownership, administration, and management in Ghana, aiming to scrutinize existing customary, statutory land and related policies and evaluate their impact on land users in Ghana. A review of existing materials, legislation, and frameworks on land rights, as well as guidance notes from international organizations, seeks to harmonize national and international structures for effectively implementing land administration programs that cater to the citizens, particularly vulnerable land users. This approach focuses on assessing ongoing and planned actions towards land use, ownership reforms, and current land rights advocacy initiatives in Ghana.

Government activities and commitment through relevant institutions and programs to tackle challenges against effective policy formulation and implementation are also scrutinized, along with the participation level from civil society groups, NGOs, and relevant stakeholders in implementing appropriate land administration frameworks in Ghana. After this, primary data collection and tools were utilized to further delve into the topic.

To ensure accuracy and comprehensiveness, key informant interviews with relevant public institutions and focus group meetings with civil society groups were employed to validate the literature review points and shed light on the path forward with land rights reforms in Ghana.





Part One: Land Ownership and Administration in Ghana

Introduction

This chapter explores customary and statutory land policies in Ghana, examining the mechanisms and frameworks for land governance at both national and subnational levels. The analysis seeks to identify gaps in existing laws and frameworks and evaluate the impacts of current land policies and governance mechanisms on land users, with an emphasis on women and youth, in various settings. The findings here are vital for informing discussions in subsequent chapters.

Customary and Statutory Land Policies: An Overview

Since the early twentieth century, Ghana has undergone numerous land reforms, each adopting a specific approach towards customary tenure and a neoliberal stance towards land market access. After Ghana's independence, a

noteworthy development was the retention of state lands under control and governance by the State Lands Act (No.125 of 1962) and the Administration of Lands Act (No. 123 of 1962). Additionally, 1986 saw the promulgation of the Land Title Registration Law, which fostered the development of over 166 land legislations. However, Quaye (2006) highlights that despite these advancements, an efficient land rights system remained unattained due to systemic overlaps and loopholes.

The 1999 Ghana National Land Policy

To address issues like weak land administration and land market conflicts, the Ghana National Land Policy was adopted in 1999. It aimed to remedy several challenges within the land sector, such as unclear boundaries of customary-owned lands and inadequate coordination with neighbouring countries regarding international border management. The policy pointed out

various issues, ranging from a disjointed land administration system to generalized indiscipline in the land market, culminating in a distorted and dysfunctional land market.

The Land Administration Project (LAP)

Initiated in 2000 with support from the World Bank, the LAP was launched in 2003 with objectives like stimulating economic development, reducing poverty, and enhancing social stability by improving land tenure security. The four main components of the project aimed at harmonizing land policy and regulatory framework, instigating institutional reforms, and enhancing land titling, registration, valuation, and land-use planning. Notably, the LAP sought to establish a computerized land information system and improve the deeds registration system, among others, while ensuring efficient project management and human resource development.

Subsequent Land Initiatives and Projects

Several projects were implemented to facilitate rural land utilization for various developments, including the Ghana Landbank Information Directory (2008), the Ghana Food and Agriculture Sector Development Policy (FASDEP II), and the Ghana Commercial Agriculture Project (GCAP). In 2020, the Land Act 2020 (Act 1036) was established to fortify the legislative instruments overseeing land management in Ghana.

Customary Land Law and the 1992 Constitution

Article 267(1) of the 1992 Constitution entrusts all stool lands to the pertinent stool or skin (chief or other traditional authority), safeguarding them for the subjects in alignment with customary law and usage. Customary land law is foundational to most landholding in Ghana. Still, it is essential to recognize variations in customary law across distinct social groupings, such as tribes and communities, throughout the nation.

Critiques and Challenges of Land Policies

Despite the attempts at reform, critiques against Ghanaian land policies persist. For instance, Anafo (2014) and Firmin-Sellers (2007) note the potential for abuse by chiefs and the tendency to prioritize their interests in particular approaches. Hammond (2008) also delineates government intervention in property markets through regulative, distributive, and redistributive policies, each having different implications for infrastructure quality and access to resources. Moreover, some critics, like Aryeetey and Udry (2010), identify Ghana's land legislation as conflicting and outdated, while others, like Aryeetey (2007), argue that reforms have often overly emphasized technical aspects of land tenure, neglecting political and characteristic issues intrinsic to land tenure reforms.

Land Governance Mechanisms and Frameworks: A Glimpse into Ghana's National Level Structures

Land governance pertains to the decision-making processes related to land and natural resource access, use, implementation of decisions, and reconciliation of conflicting interests, as outlined by the FAO (2009). The complexity of Ghana's land governance arises from a blend of constitutional, legislative, and customary frameworks and procedures. Although customary ownership by chiefs is recognized, broad State oversight is also established, as highlighted in Articles 36(8) and 267(5) of the Constitution.

Governmental Structures and their Roles

The Lands Commission: Established via Article 258(1) and backed by legislative acts, its primary responsibilities span managing public lands, formulating land policies, advising traditional authorities on land utilization, promoting relevant research, facilitating government land



acquisitions, maintaining a land information system, and aiding in executing title registration programs nationwide. The Commission operates through four divisions, namely:

- Public and Vested Land Management Division
- Land Registration Division
- Survey and Mapping Divisions
- Land Valuation Division

Each division has distinct responsibilities and were formerly independent entities, amalgamated into the Lands Commission by Act 767.

The Office of the Administrator of Stool Lands (OASL): Mandated by Article 267(2) of the 1992 Constitution, OASL collaborates with Regional Lands Commissions and traditional authorities to formulate effective land administration and management policies. Furthermore, it oversees the collection and disbursement of revenues from stool lands in accordance with Article 26 (6) of the Constitution.

Challenges of the Customary Land Tenure System

Ghana grapples with issues related to its customary land tenure system, persistent

since the colonial era, revolving around power dynamics between modern State and traditional authorities (Kugbega, 2020). In the present context, while Ghana has steered clear of colonial land nationalization strategies, it has introduced legislation to bolster land rights formalization. The tenure system embraces a hybrid form wherein customary and statutory tenures operate in parallel. Customary tenure acknowledges the collective rights of a community over land and resources (Schlager & Ostrom, 1992; Platteau, 1996), while statutory tenure involves detailed record-keeping, professional services, and land titling in its registration (Kugbega, 2020).

Contemporary Concerns and Developments

The evolving 'New African Customary Tenure' paradigm (Chimhowu, 2019) is prominently visible in Ghana, introducing vernacular land markets and professionals into customary tenure administration. However, the system often unfolds various challenges, particularly when new chiefs assume their roles. Goldstein and Udry (2008) pinpoint insecure land tenure as a factor dissuading substantial agricultural investment in Ghana. The Ghana Vision 2020 elucidates

that while traditional land tenure systems might champion equity, it could constrain agricultural modernization by inhibiting farmers' capacity to utilize land as collateral, dampening long-term private sector investment. Efforts to lean towards statutory land registration processes to allure private sector investment often find themselves hampered by traditional authorities (Kugbega, 2020).

Gendered Dimensions in Land Security

The terrain of land security also unveils a gendered dimension, primarily accentuating access and tenure security for women. Discrimination against women in tenure rights has been documented, and legislation such as the Draft Land Bill 2016 and the 1999 Ghana National Land Policy lack explicit clauses safeguarding women's customary and spousal land rights.

Multifaceted Challenges

With frequent land conflicts, an overloaded judicial system, and perceived authority centralization and corruption, the land governance and management framework, which is often pluralistic, leads to overlapping claims and perilous investments (Aryeetey & Udry, 2010). The Lands Commission struggles with internal issues such as a lack of coordination between divisions, which often engage in functional overlaps and duplications, further complicating matters (Duncan et al., 2013).

In conclusion, while Ghana has established intricate mechanisms and frameworks for land governance at a national level, a web of issues, including those related to the customary land tenure system, gender bias, and organizational inefficiencies within governance bodies, continues to pose formidable challenges. A balanced approach that harmonizes traditional practices with statutory formalization, while also addressing the gendered and organizational aspects, might pave the way forward for equitable and efficient land governance in Ghana.

The impact of current governance frameworks on land users

Issues enveloping land governance and acquisition in Ghana encompass a variety of challenges, notably fraudulent transactions, prolonged acquisition processes, unreliable documentation, and numerous unofficial charges, which collectively cascade into litigations and even fatalities (Kasanga, 2007; Maha-Atma, 2014; Quaye, 2014; Mireku et al., 2016; Gyamera et al., 2018). Moreover, the subsequent impact on social aspects like food security, water supply, and public health, due to the conversion of agricultural lands and watersheds for residential usage, exacerbates the situation (Nsiah-Gyaabah, 2010).

Key Challenges in Land Acquisition

Research by Gyamera et al. (2018) spotlighted key challenges that punctuate Ghana's land acquisition and management sector, including:

- A pervasive indiscipline in the land market, highlighted by occurrences of land encroachments, multiple sales of residential parcels, and unsanctioned development initiatives;
- Uncertain boundaries of stool lands, attributed to the absence of reliable maps and the engagement of unqualified surveyors, often escalating into conflicts and litigations;
- A precarious land tenure security, resulting from internal and external conflicts among land-owning groups and the State, coupled with suboptimal land administration;
- An absence of comprehensive consultation with landowners and chiefs during decision-making processes related to land allocation and acquisition;
- Protracted legal processes on land issues, with approximately 57% of total court cases being land-related;

- Additional problems associated with intermediaries, landowner identification, surveyor validation, obtaining accurate registration documents, and delays in processing land documents.

These challenges above have notably propelled several land disputes and litigations, sometimes resulting in fatalities and socio-environmental dilemmas.

Ground-Level Implications and Conflict Origins

Field studies and focus group discussions have accentuated the challenges emanating from family heads unilaterally engaging in land sales without notifying other family members dependent on these lands for sustenance. This not only stokes internal family conflicts but also throws into question the simplicity and stability of the land acquisition process

due to potential conflicts with non-consenting family members (Anafo, 2014; Firmin-Sellers, 2007). Furthermore, discernible impacts on the environment, land quality, and women’s access to land have been identified, which will be delved into in subsequent sections.

Conclusion

In summary, the intersection of legal, social, and administrative challenges has cultivated a fertile ground for disputes, inefficiencies, and inequities in Ghana’s land governance frameworks. The highlighted issues serve as an impetus for re-evaluating and reformulating both statutory and customary land governance structures to enhance transparency, inclusiveness, and efficiency in land administration, thereby mitigating the pervasive challenges and ensuring equitable and sustainable land use and management.





Part Two: Land Conversions and Large-Scale Land Acquisitions

Introduction

This chapter explores the context, state, and impact of land conversion and large-scale land acquisitions in Ghana, focusing on their effects on stakeholders and the environment. We present both theoretical and empirical perspectives, integrating the views of community members and key stakeholders to frame the forthcoming discussions on mitigating the challenges posed by these practices, particularly for smallholders, women, and the youth in peri-urban areas and small towns.

Large-scale land acquisitions in Ghana

Overview and Impact

While fluid access to land is crucial for optimizing its use and leveraging developmental synergies through management, policies on large-scale land acquisition must emphasize community

livelihoods. Absent this focus, negative externalities, such as land grabbing, emerge. As defined by Borras and Franco (2013, p.1725), land grabbing encompasses capturing vast tracts of land via mechanisms involving large-scale capital, which often shifts resource use orientation into extraction for both international and domestic purposes.

Between 2004 and 2010, the Ghanaian government, chiefs, and family heads allocated between 89,000 and 1,075,000 hectares of land to foreign-based investments in large-scale agriculture, mining, and biofuel production (Cotula et al., 2014; Friends of the Earth Europe, 2010; Schonevald, German, & Nutakor, 2010). Notably, these lands, primarily farmlands in rural northern Ghana, have been predominantly utilized by smallholder farmers who face significant food insecurity and poverty. This acquisition trend has spawned expressions like “food to non-food” land grabbing (Hall, 2011, p.20), where farmlands are converted, often into residential spaces, usually involving high bidders exerting pressure on

landowners to sell rural and peri-urban farmlands, disregarding the welfare of the original farming inhabitants (Yankson et al., 2009).

Displacements, adverse human rights impacts, climate change, and threats to national food security and ecology often follow these acquisitions. Cotula (2013) reported that post-acquisition, local populations made landless or whose landscapes transformed often found themselves in poorer economic conditions than before the investment. Nyantakyi-Frimpong and Kerr (2017) reported a ripple effect of land grabbing in Northern Ghana, impacting macro and village-level landholdings and trickling down to households.

Gender and Household Impact

A detailed household analysis observed that while men managed to consolidate control over remaining fragmented lands, women's access and tenure rights came under increasing threat (Nyantakyi-Frimpong & Kerr, 2017). Culturally, women were not deemed legitimate owners, thereby excluded from consultations and compensations during land grabs. Beyond the gendered impact, such large-scale land deals created stark internal inequalities and fostered a domestic arena for land-related claims and disputes.

Policy and Customary Rights Perspective

Large-scale land acquisitions often precipitate the loss of customary rights to expansive land areas (German et al., 2013). In the Ghanaian context, where customary rights are pivotal, entities impacted encompass both genders, with females often suffering more significantly (Nyantakyi-Frimpong & Kerr, 2017). Additionally, Elhadary and Obeng-Odoom (2012) highlighted prevalent land grabbing in the Western Region by corporations, particularly in the mining sector, and Schonevald et al. (2010) noted how seventeen companies, predominantly foreign-owned, acquired 1,075,000 hectares of land for *Jatropha* cultivation.

Justifications and Local Effects

These acquisitions are often justified as development and investment initiatives but usually result in the displacement of local farmers and rural dwellers without compensation or restitution (Elhadary & Obeng-Odoom, 2012). For those retaining fragmented lands, their farming practices often degrade soil quality due to an inability to employ the fallow system, consequently impacting soil quality, yield, and food quality. Nsiah-Gyaabah (2003) also mentioned negative consequences on food security, water supply, and health due to farmland and watershed conversions for residential purposes.

Local Community Experiences

The ensuing discussion involves insights gathered from community members and a CSO representative in Nkukrom and Pokrom via focus group discussions and CSO engagements. The issues highlighted include land-use conversions for large-scale farming and real estate developments by urban dwellers from Accra and Kumasi, leading to locals predominantly renting land and sharecropping. The local farmers' access to factories, markets, and economic benefits has diminished due to the predominant scale of yield from commercial farms.

Further, locals were deprived of land, economic benefits, and livelihoods, resulting in various socio-economic challenges such as engaging in the illegal 'Okada' business, increased incidence of 'sex for favours', teenage pregnancies, and school dropouts. Also, food security has been impacted as local farms were transformed into commercial farms for cash crop production or sold for construction purposes, inducing food shortages in the area. Moreover, local farmers who managed to acquire sparse pieces of land after large-scale acquisition have resorted to increased utilization of conventional chemicals to boost yields, affecting the lifespan and quality of the land and produce, and inadvertently causing pollution, flooding, and erosion due to excessive land use.



Part Three: International Bodies And Land Governance In Ghana

Introduction

This chapter delineates discussions on land governance, embedding them within the context of continental and global directives and land-use preferences, while ensuring the safeguarding of fundamental human rights enshrined in national constitutions and statutes. Rooting our approach in an exhaustive analysis of the various constraints and barriers to land and landed rights within the Ghanaian context provides a pertinent framework for understanding its multifaceted manifestations and ramifications.

Insights into land governance from international bodies

Land management and administration are critically tied to several Sustainable Development Goals (SDGs), including, but not limited to, ending poverty (SDG 1), zero hunger (SDG 2), responsible consumption and production (SDG 12), life on land

(SDG 15), and peace and justice (SDG 16). Smith (2018) and Mbow (2020) provide concurrence and depth by identifying the intricate links between land and improved management across various SDGs and contextualizing the implications of climate change on different facets of land use. Mbow (2020) further underscores the relevance of land in all development sectors, suggesting the implausibility of achieving SDGs without meticulously addressing climate change's impact on diverse forms of land use, including effects on smallholder farmers and diverse ecosystems.

In the Ghanaian narrative, the pernicious impact of land grabbing on critical goals like SDGs 1, 2, 12, 15, and 16 has been pivotal. The ensuing correlations between land conversion, land grabbing, and these SDGs are notably evident in the restrictive land access rights for farmers and rural dwellers, which stem primarily from the ventures of large financiers who often neglect the sustainability and livelihood of local farmers and households. Moreover, such activities can

fragment and overstretch land resources, further diminishing the livelihood and sustenance of dependent families, particularly affecting women due to pre-existing disparities in land rights and access.

Barriers to land rights

In developing countries, land rights emerge as fundamental survival pillars (de Soto, 2000; Auzins, 2004). Defined as legally, socially acknowledged, and enforceable claims by an external legitimized authority (Agarwal, 2002), these rights can be subdivided into primary and secondary. Primary rights, approximating absolute ownership, are inherited, secure, and somewhat permanent (FAO, 2003; Anaifo, 2014), whereas secondary land rights involve non-definitive transfers of use rights outside familial groups (UN-Habitat and Global Land Tools Network, 2008).

The terrain of land ownership in Ghana incorporates diverse forms, such as Public and Vested Lands, Stool Lands, and Family or Private lands (Miller, 2018). Crucially, gaining approval from chiefly and community entities is instrumental for ensuring land use security (Kugbega, 2020). However, security is not solely tethered to legal registration processes (Kugbega, 2020), as the process of acquiring land involves numerous steps, negotiations, and, typically, a considerable financial outlay (Nolte and Vath, 2015).

Incorporating insights from focus group discussions reveals the nuanced and sometimes contentious negotiation processes involving various stakeholders, like family heads and community chiefs, for land ownership and usage. These processes, which also involve developers and business persons, can sometimes bypass broader familial or community consultation, imposing decisions and impacting those who depend on the land for sustenance.

Gender dimensions in land rights

Recognizing the gendered nuances in power dynamics and access to land rights is imperative. While sources of power and land access for women often stem from marriage-based rights (Nyantakyi-Frimpong and Kerr, 2017), men predominantly derive power from inherited male rights (Tsikata and Golah, 2010). Notably, these rights, particularly for women, are often subject to discretionary interpretations, frequently positioning women at a disadvantage (Jackson, 2003).

Despite the inherent gender-based discrimination in various regions, Article 17 of the 1992 constitution of Ghana and Sections 19(7) and 47 proffer measures against discrimination towards women, youth, and peasants regarding land rights. However, as a Lands Commission Officer noted, customary practices sometimes unlawfully institute barriers, even though legally, no form of discrimination should limit land access by women or other marginalized groups. Thus, limitations and barriers to land rights for specific demographic cohorts primarily emanate from the customary aspects of the land management system.



WEBINAR
THE ROOT OF INEQUALITY?
CUSTOMARY TENURE &
WOMEN'S LAND RIGHTS
IN WEST AFRICA

WEDNESDAY, MARCH 24TH, 2021
15:00-16:30 GMT | 16:00-17:30 CET

land portal 



Part Four: Navigating the Path Forward

Introduction

The final chapter of this report distils key insights from preceding discussions, laying out a strategic roadmap for elevating landlessness and limited land rights to the forefront of national discourse, influencing stakeholders and policymakers alike.

Strategizing Land Rights Reform Policy Advocacy

A 'bottom-up' advocacy model for land rights reform is proposed, commencing at the community level and percolating through institutional echelons to ultimately reach policymakers and central government. The Officer at the Lands Commission delineates essential stakeholders, categorizing them into proponents and opponents of policy reforms.

Notably, the initial advocacy thrust should be directed at individuals. While the customary rights of traditional authorities are upheld, individual rights often go unacknowledged. Addressing

agency flaws in representation during land transactions becomes paramount.

Traditional authorities emerge as pivotal actors, wielding significant influence over landowners and legislators, especially in formulating land rights laws. Advocacy should initially prioritize the rights of vulnerable groups such as peasants and women, integrating a gender perspective into policy development and execution, with Queen Mothers playing a pivotal role in the implementation of gender-sensitive land reform policies at the local level.

Recommendations for Informing Land Rights Advocacy Efforts in Ghana

The dialogue from focus group discussions illuminated several recommendations. Firstly, establishing government land banks, primarily for local farmers, was suggested to enhance land access and facilitate farming activities. Legal review was also highlighted, with a CSO member

emphasizing the imperative to revise Ghana's current land laws, spotlighting the need for compulsory land acquisition in specified regions.

A community member proposed agro-based industrialization to leverage the farming value chain and create employment opportunities, especially for women. Addressing women's issues further, the Officer of the Lands Commission referenced Section 47 of the Land Act 1036, advocating interventions for spousal property that would benefit women, and stressed the necessity of codifying customary laws to safeguard the rights of peasants, women, and youth.

Identified Needs from the Study

Promoting Community Livelihoods: Advocacy initiatives must tirelessly promote the well-being of communities. Guidelines for large-scale land acquisition should prioritize the enhancement of community livelihoods over simplifying land access for investors. Government intervention is also required to regulate land prices, ensuring economic benefits from land are accessible to individuals.

Building Public Awareness: Public awareness campaigns on land acquisition protocols and legal procedures should be deployed, with media and the National Commission for Civic Education (NCCE) playing vital roles in educating the public about land registration and purchase processes to mitigate issues with intermediaries and fraudulent land sales.

Technological and Institutional Reforms: An overhaul in institutional land management is imperative, potentially adopting digital systems such as the blockchain-based land acquisition architecture proposed by Ameyaw and de Vries in 2021. This would necessitate a unified, verified land data platform accessible by all relevant governmental bodies involved in land management in Ghana.

Enhancing Law Enforcement and Judicial Systems: The police service should be instrumental in mitigating land management conflicts through rapid response and reasonable

force application. Additionally, establishing fast-track land courts in every regional capital would facilitate efficient resolution and adjudication of land issues. Judiciary-led capacity-building programs for Chiefs as mediators and stakeholders in land dispute management are also recommended.

Refining Customary Tenure: Reform programs should evolve from seeking to replace the customary tenure system to developing its capacities to address abuse and tenure security issues. Introducing professionalism and aligning customary provisions with statutory ones will enhance land access and tenure security post-acquisition.

Ethical Guidance for Chiefs: The regional House of Chiefs should formulate ethical codes of conduct, especially regarding land management matters. Sensitization sessions, incorporated even into the coronation process, will imbue Chiefs with requisite knowledge on laws and management related to land management.

Conclusions

AFSA's endeavours on land issues are deeply rooted in agroecology transition goals, the bedrock of African food sovereignty, which is unattainable without secure access to land and natural resources. The contemporary scourge of "land grabs" has precipitated forced evictions and impoverishment across thousands of communities, with Ghana being no exception. The myriad of human rights violations and socio-economic inequalities emanating from poor land governance detrimentally impacts women especially, given their often lower social status.

Accelerating the implementation of policies that enhance communal land rights necessitates amplified political pressure at all junctures. Rights of indigenous people, peasants, herders, and fishers need legal enshrinement and practical guarantee. At the same time, women's voices must be prominently featured in dialogues on land rights, land governance, and large-scale land acquisitions both within and beyond their communities.

References

- Agarwal, B. (2002). *Are We Not Peasants Too: Land Rights and Women's Claims in India?*
- Ameyaw, D. P. & de Vries, W. T. (2021). *Toward Smart Land Management: Land Acquisition and the Associated Challenges in Ghana. A Look into a Blockchain Digital Land Registry for Prospects. Land, vol.10.*
- Anaafo, D. (2014). *Land Reforms and Land Rights Change: A Case Study of Land Stressed Groups in the Nkoranza South Municipality, Ghana.*
- Aryeetey, E. (2007). *The Politics of Land Tenure Reform in Ghana: From the Crown Lands Bills to the Land Administration Project. Institute of Statistical, Social & Economic Research, University of Ghana.*
- Aryeetey, E. & Udry, C. (2010). *Creating Property Rights: Land Banks in Ghana. The American Economic Review, vol.100(2), pp.130-134.*
- Asiama S. O (2002). *Comparative Study of Land Administration Systems. Case Study-Ghana. Report prepared for the World Bank (Land Institutions and Land Policy Consultations) for a World Bank Policy Research Report, 2002.*
- Asiama S.O. (2004), *Public and Private Sector Cooperation in Achieving Growth in the Land Sector in Ghana. The Ghanaian Surveyor (Journal of the Ghana Institution of Surveyors), 2004 Issue 1.*
- Auzins, A. (2004). *Institutional Arrangements: A gateway towards sustainable land use. Nordic Journal of Surveying and Real Estate Research, vol.1, pp.57 - 71*
- Awuah, K. G. B., Hammond, F. N., Lamond, J. E. & Booth, C. (2014). *Benefits of Urban Land Use Planning in Ghana. Geoforum, vol.51, pp.37-46.*
- Blotcher, J. (2006). *Building on custom: land tenure policy and economic development in Ghana. Yale Human Rights Development and Law Journal, vol.9, pp.166-202.*
- Borras, S. M. & Franco, J. C. (2013). *Global Land Grabbing and Political Reactions 'From Below'. Third World Quarterly, vol.34(9), pp.1723-47.*
- Chimhowu, A. (2019). *The 'new' African Customary Land Tenure. Characteristics, features and policy implications of new Paradigm. Land Use Policy, vol.81, pp.897-903.*
- Cotula, L. (Ed.), (2007). *Changes in Customary Land Tenure Systems in Africa. IIED, London.*
- Cotula, L. (2013). *The Great African Land Grab? Agricultural Investments and the Global Food System (Zed Books, 2013).*
- de Soto, H. (2000). *The Mystery of Capital. Basic Books, New York.*
- Elhardary, Y. & Obeng-Odoom, F. (2012). *Conventions, Changes and Contradictions in Land Governance in Africa: The Story of Land Grabbing in Sudan and Ghana. Africa Today, vol.59 (2), pp.59-78.*
- FAO, (2003). *Multilingual Thesaurus on Land Tenure: English Version. FAO, Rome.*

- Firmin-Sellers, K. (2007). *The Transformation of Property Rights in the Gold Coast: An Empirical Study Applying Rational Choice Theory*. Cambridge University Press.
- Fitzpatrick, D. (2005). Best practice options for the legal recognition of customary tenure. *Dev. Change*, vol.36 (3), pp.449–475.
- German, L. Schonevald, G. and Mwangi, E. (2013). *Contemporary Processes of Large-Scale Land Acquisition in Sub-Saharan Africa: Legal Deficiency or Elite Capture of the Rule of Law?* *World Development*, vol.48, pp.1-18.
- Goldstein, M. & Udry, C. (2008). *The Profits of Power: Land Rights and Agricultural Investment in Ghana*. *Journal of Political Economy*, vol.116(6), pp.981-1022.
- Government of Ghana. *Draft Land Bill. National Land Policy; Government of Ghana: Accra, Ghana, 2016.*
- Government of Ghana. *National Land Policy; Government of Ghana: Accra, Ghana, 1999.*
- Gyamera, E. A., Duncan, E. E. A., Kuma, J. S. Y. & Arko-Adjei, A. (2018). *Land Acquisition in Ghana: Dealing with the Challenges and the Way Forward*. *Journal of Agricultural Economics, Extension and Rural Development*, vol.6(1), pp.664-672.
- Hall, R. (2011). *Land Grabbing in Southern Africa: The Many Faces of the Investor Rush*. *Review of African Political Economy*, vol.38(128), pp.193-214.
- Hammond, F. (2008). *Marginal Benefits of Land Policies in Ghana*. *Journal of Property Research*, vol.25(4), pp.343-62.
- Hammond, N. F. (2010). *Marginal Benefits of Land Policies in Ghana*. *Journal of Property Research*, vol.25(4), pp.343-362.
- Jackson, C. (2003). *Gender Analysis of Land: Beyond Land Rights for Women?* *Journal of Agrarian Change*, vol.3(4), pp.453-80.
- Karikari, I. (2006). *Ghana's Land Administration Project (LAP) and the Land Information Systems (LIS) Implementation: The Issues*.
- Kasanga, K. & Kotey, N. A. (2001). *Land Management in Ghana: Building on Tradition and Modernity*. International Institute for Environment and Development, London.
- Kasanga R.K. (2007). *The Challenge of Sustainable Development in Peri-Urban Neighbourhoods in Ghana*.
- Kenney-Lazar, M. (2012). *Plantation Rubber, Land Grabbing and Social-Property Transformation in Southern Laos*. *The Journal of Peasant Studies*, vol.39(3-4).
- Kugbega, S. K. (2020). *State-Customary Interactions and Agrarian Change in Ghana. The Case of Nkoranza Traditional Area*. Department of Human Geography, Lund University.
- LAP (2003). *Project Appraisal Document*. Africa Regional Office Report.
- LAP (2007). *Land Administration Project Components*. Ministry of Lands and Natural Resources.

Accra, Ghana.

LAP (2008). *Restructuring of the Ghana Land Administration Project. Project Paper No.455705.*

LAP (2009). *Progress Report from April 2009– October 2009. A ISM report, LAPU, Accra-Ghana.*

Maha-Atma, S. P. (2014). *Customary Land Tenure Practices and Land Markets in Ghana: A Case Study of Odupong Ofaakor. (Masters)/ Kwame Nkrumah University of Science and Technology.*

Mbow, C. (2020). *Use it Sustainably or Lose it! The Land Stakes in SDGs for Sub-Saharan Africa. Land, 9(3).*

Mireku, K. O., Kuusaana, E. D. & Kidido, J. K. (2016). *Legal Implications of Allocation Papers in Land Transactions in Ghana- A Case Study of the Kumasi Traditional Area. Land Use Policy, vol.50, pp.148-155.*

Nolte, K. & Vath, S. J. (2015). *Interplay of Land Governance and Large-Scale Agricultural Investment: Evidence from Ghana and Kenya. Cambridge University Press.*

Nsiah-Gyabaah, K. (2003). *Urbanization, environmental degradation and food security in Africa. Presented at the global environmental change research community, Montreal, Canada.*

Nsiah-Gyabaah K. (2010). *Urbanization Processes–Environmental and Health Effects in Africa. Panel Contribution to the PERN Cyberseminar on Urban Spatial Expansion. Principal, Sunyani Polytechnic, Ghana.*

Nyantakyi-Frimpong, H. & Kerr, R. B. (2017). *Land Grabbing, Social Differentiation, Intensified Migration and Food Security in Northern Ghana. The Journal of Peasant Studies, vol.44(2), pp.421-444.*

Obeng-Odoom, F. (2012). *Natural Resource Abundance and Eminent Domain: A Case Study from Africa. Local Economy, vol.27(4), pp.319-25.*

Obeng-Odoom, F. (2016). *Understanding Land Reform in Ghana: A Critical Postcolonial Institutional Approach. Review of Radical Political Economics, vol.48(4), pp.661-680.*

Onoma, A. (2008). *The use of land to generate political support. Africa Development, vol.33(3), pp.147-155.*

Platteau, J. P. (1996). *The Evolutionary Theory of Land Rights as Applied to Sub-Saharan Africa: A Critical Assessment. Development and Change, vol.27(1), pp.28-86.*

Quaye, W., Fuseini, M., Boadu, P. & Asafu-Adjaye, N. Y. (2019). *Bridging the Gender Gap in Agricultural Development through Gender Responsive Extension and Rural Advisory Services Delivery in Ghana. Journal of Gender Studies, vol.28(2), pp.185-203.*

Schlager, E. & Ostrom, E. (1992). *Property-Rights Regimes and Natural Resources: A Conceptual Analysis. Land Economy, vol.68.*

Schonevald, G. C. & German, L. (2013). *Translating Legal Rights into Tenure Security: Lessons from the New Commercial Pressures on Land in Ghana. Development Studies, vol.50(2), pp.187-203.*

Schonevald, G., German, L. & Nutakor, E. (2010). *Paper Summary-Towards Sustainable Biofuel*

Development: Assessing the Local Impacts of Large-Scale Foreign Land Acquisitions in Ghana.

Sittie R. (2006). Land Title Registration – The Ghanaian Experience, Shaping the Change XXIII FIG Congress, Munich, Germany, October 8 – 13

Smith, P. (2018). Managing the global land resource. Proceedings of the Royal Society B, vol.285.

Trebilcock, M. J. (1984). Communal Property Rights: The Papua New Guinean Experience. University of Toronto Law Journal, vol.34(4), pp.377-420.

Tsikata, D. & Golah, P. (eds) (2010). Land Tenure, Gender and Globalization: Research and Analysis from Africa, Asia and Latin America. New Delhi, Zubaan and Ottawa: International Development Research Centre.

Ubink, J. M. & Amanor, K. (eds) (2008). Contesting Land and Custom in Ghana: State, Chief and the Citizen. Amsterdam University Press.

Yankson P. W. K., Asiedu, A. B. & Yaro, J. (2009). Land Rights and Vulnerabilities in the Kete Krachi Pilot Customary Land Secretariat Area. Department of Geography and Resource Development, University of Ghana, Accra.

Yaro, J. (2010). Customary tenure systems under siege: Contemporary access to land in northern Ghana. GeoJournal, vol.(75), pp.199-214.

About AFSA

Established in 2011, the Alliance for Food Sovereignty in Africa (AFSA) is a robust coalition of civil society organisations dedicated to advancing the causes of food sovereignty and agroecology across the African continent. Our alliance comprises African food producer networks, African CSO networks, indigenous people's organisations, faith-based organisations, women and youth groups, consumer movements, and international organisations aligned with AFSA's mission. AFSA is a network of networks with 38 member organisations actively engaged in 50 African countries, reaching around 200 million individuals.

Our Vision

To see Africa developed in harmony with nature, harnessing its traditional knowledge and systems, and her people controlling natural and other resources and related decisions.

Our Focus

- **Climate:** We promote agroecology for climate adaptation and mitigation in Africa, advocating for research-based policy integration.
- **Seeds:** We aim to support farmer-managed seed systems and influence seed policies to ensure reliable and affordable local seeds.
- **Land:** We empower member networks, particularly women, to advocate for land rights and counter corporate control over African land and resources.
- **Citizens:** We work to increase citizen access to agroecologically produced food in Africa, mobilising and educating citizens to participate in diverse food systems.

Our Activities

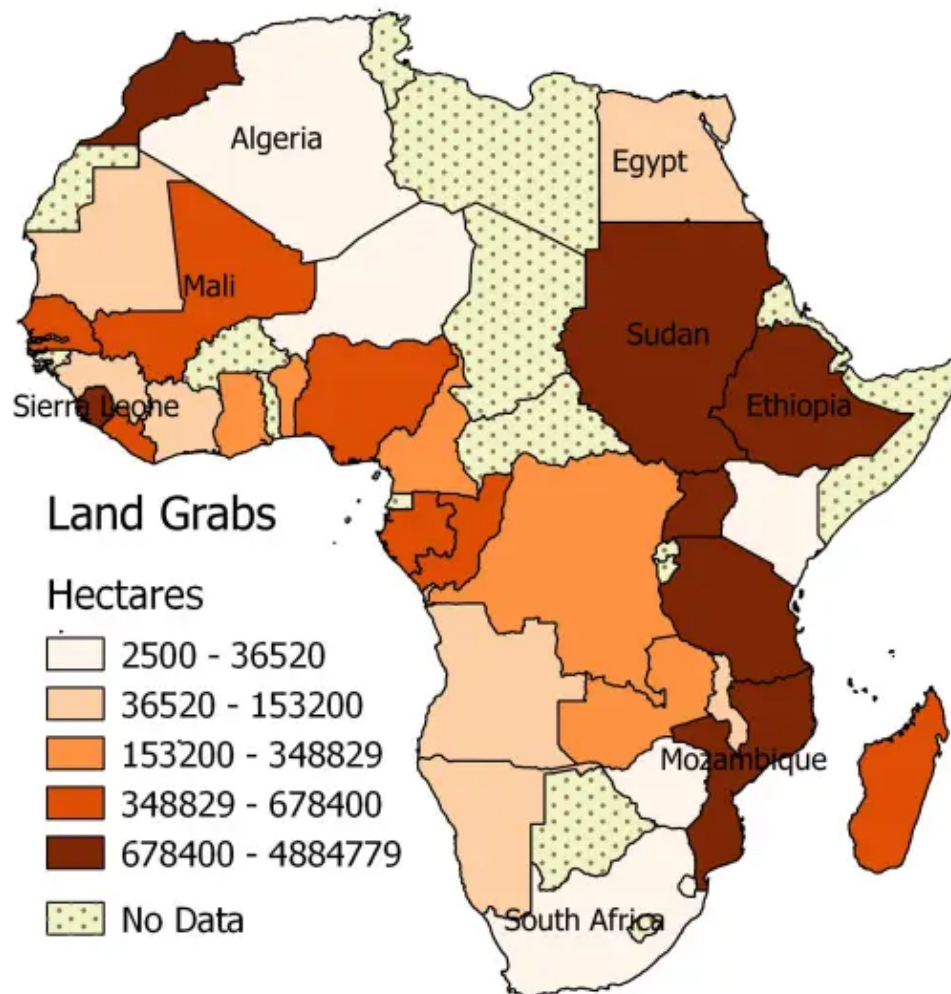
Policy advocacy, Capacity building, Evidence compilation, and Raising public awareness.

FOLLOW US:

www.afsafrica.org | Email: afsa@afsafrica.org | Facebook: [@afsafrica](https://www.facebook.com/afsafrica) | Twitter: [@Afsafrica](https://twitter.com/Afsafrica)
Instagram: [@afsafrica](https://www.instagram.com/afsafrica) | YouTube: [AFSAfrica](https://www.youtube.com/Afsafrica)



Land Grabs in Africa



data source: <http://www.grain.org/article/entries/4479-grain-releases-data-set-with-over-400-global-land-grabs> (GRAINS)



www.afsafrica.org | Email: afsa@afsafrica.org | Facebook: [@afsafrica](https://www.facebook.com/afsafrica) | Twitter: [@Afsafrica](https://twitter.com/Afsafrica)
Instagram: [@afsafrica](https://www.instagram.com/afsafrica) | YouTube: [AFSAfrica](https://www.youtube.com/AFSAfrica)

miserereor
ALLY FOR A JUST WORLD



11th Hour Project
The Schmidt Family Foundation