

LAND TENURE SECURITY FOR THE RURAL POOR AND MARGINALISED
UNDER GHANA'S LAND ADMINISTRATION PROJECT (LAP):

A Case Study of Communities in the Upper West Region

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BY:

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DEDICATION

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This thesis is dedicated to all who supported me in my education and the many rural poor in search of land tenure security.

UNIVERSITY FOR DEVELOPMENT STUDIES



DECLARATION

I, BEBELLEH, FREDERICK DER, author of this study, declare that, this thesis entitled:

“LAND TENURE SECURITY FOR THE RURAL POOR AND MARGINALISED UNDER GHANA’S LAND ADMINISTRATION PROJECT (LAP): A CASE STUDY OF COMMUNITIES IN THE UPPER WEST REGION”,

was done solely by me as part of my Master of Philosophy Degree Program with the University for Development Studies, Tamale. It has never been presented in part or whole for the award of any other degree in the University or elsewhere. Due recognition has been given to other works used.

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ABSTRACT

This study is an examination of the Ghana's Land Administration Project (LAP) as a security of land administration measure for the rural poor and vulnerable groups like women and migrants in Upper West Region of Ghana.

The study adopted Yin's (2006) multi-case study approach and focused on Dorimon Community, the Sankana Water Users' Association (WUA) for the study of collective action and the Tabiasie Community for the assessment of LAP's activities in ensuring land tenure security for the poor and marginalised.

Data collection techniques such as review of relevant literature, focus groups discussions, group discussions and questionnaire administration were used and data was analysed by the use of the Statistical Package for Social Sciences (SPSS) and qualitatively as well.

The main findings of the study are that: Land title registration was found to be expensive in both cost and time to the poor and vulnerable and therefore inaccessible to them. State institutions responsible for land titling and registration were also observed to be ill-equipped, woefully under staffed and too bureaucratic. Collaboration between traditional and modern institutions is poor. As such, many of the rural people still depend on social relations and spirituality for security of tenure under the customary land tenure systems. Customary land tenure system was the most preferred system in ensuring land tenure security for the poor and vulnerable in the study communities. Land tenure security in study communities also varies with social status.

The study also established that the Customary Land Secretariats (CLS/LAP) was misconstrued in Tabiasie to mean sale of lands to settlers. LAP was also reported as not a community-driven initiative but a government intervention into customary land tenure system. Migrant/settler farmers are apprehensive with being registered by the CLS because they did not know the essence of the registration to them and their land lords but also felt it was exploitative.

The study concluded that ensuring land tenure security for all and especially for the poor and vulnerable is contextual and therefore advocates for a community-based land administration system in various communities to address the land tenure security needs of the poor according to the existing peculiar problems and contexts. The CLS concept of LAP should be truly community-based, answerable largely to community land stakeholders and should be given enough room to be innovative and solving its own land tenure security needs using the customary land tenure as a starting point.





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LIST OF ACRONYMS

CLS.....	Customary Land Secretariat
DFID.....	Department for International Development
ECA.....	Economic Commission of Africa
ERP.....	Economic Recovery Program
ETLR.....	Evolutionary Theory of Land Rights
FAO.....	Food and Agricultural Organisation
FGD.....	Focus Group Discussion
FHI.....	Family Health International
GDP.....	Gross Domestic Product
GoG.....	Government of Ghana
GPRS.....	Ghana Poverty Reduction Strategy
GSS.....	Ghana Statistical Service
IDI.....	Indepth Interviews
IMF.....	International Monetary Fund
LAC.....	Lands Allocation Committee
LAP.....	Land Administration Program
LVB.....	Land Valuation Board
MDGs.....	Millennium Development Goals
MLF.....	Ministry of Lands and Forestry
NDPC.....	National Development Planning Commission
NEPAD.....	New Partnership for Africa’s Development
NLP.....	National Land Policy
OASL.....	Office of the Administrator of Stool Lands
PNDC.....	Provisional National Defence Council
SAP.....	Structural Adjustment Program
SLATE.....	Security of Land Tenure
SPSS.....	Statistical Package for Social Sciences
UNDP.....	United Nations Development Program
UNESCO.....	United Nations Education, Scientific and Cultural Organisation
USAID.....	United States of America International Development
WUA.....	Water Users’ Association

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Chapter One (1)

1.0 BACKGROUND INFORMATION

Land is core to the social, political and economic development of Africa. The quality of governance of land and natural resources as well as the better performance of land policies and institutions is fundamental to the delivery of development goals (Deininger and Binswanger, 1999; DFID, 2004; World Bank, 2003). This is because, land, as primary means of subsistence and income generation in rural economies; access to land, and security of land rights are of principal concern to the eradication of poverty and propelling rural development (Quan, 2000; FAO, 2002). As such, for decades, many African governments and International development partners have sought to replace customary land tenure systems with 'modern' system of property rights, based on European concepts of ownership and on land titling and registration, with the aim of making land tenure more secured to promote economic growth, encourage sustainable development and reduce poverty (Toulmin and Quan, 2000; Quan 2000; Cotula, 2007; Bromley, 2007; World Bank, 2005).



This paradigm shift by African governments is based on the perception that customary land tenure systems are not secured enough to provide adequate incentives for investments in agricultural sector and economic development but also that customary norms and practices are gender discriminatory and this can be done only through land titling and registration (Whitehead and Tsikata, 2003; Cutola, 2004). Poverty reduction and increased agriculture are even now necessary in the wake of the New Partnership for Africa Development (NEPAD) and Millennium Development Goals (MDGs) (UNDP, 2003).

However, there is increasing research consensus that, state replacement of customary land tenures with European-derived property rights systems such as land title registration have in many cases fallen victim of the perceived inadequacies of the customary land tenure such as inadequate land security for the poor and vulnerable who are the bulk of the population, and do not also adequately curtail resource conflicts as well as not being an automatic attraction of private investments for development.(place *et al*, 1993; Migot-Adholla,2000; Kabubo-Mariara, 2006). The clarion call is therefore for African governments to be innovative in making land

tenure reforms inclusive, meaningful and beneficial to small holder farmers and land users who are also the poorer populations.

In Ghana, state intervention in customary land tenure can be traced back to the colonial times where colonial governments through various Decrees and Acts have regulated the land system (Bening, 1995; Lund 2002; 2004). However, Ghana responded to the land question by the formulation of the 1999 National Land Policy, which seeks among others to make land tenure secured not just for the poor and vulnerable but, also investor-friendly to stimulate growth and development (Ghana, 2002). With the joint support of the World Bank, DFID, KWF, the Ghana Land Administration Program (LAP) was designed to strengthen/reform state institutions in land administration, collaborate with Chiefs in Land Administration, and also establish Customary Land Secretariats (CLS) for the recording of community land transactions and land title registration (Ghana, 2003; World Bank, 2003). This is done alongside national poverty reduction programmes such as the Ghana Poverty Reduction Strategy and the Growth and Poverty Reduction Strategy (GPRS I and II).



Agriculture and rural livelihood in Ghana largely depend on one's access to and control of land and land resources. Addressing poverty in rural Ghana therefore involves, reforming the land tenure problem as a way of making land access, control and use by all secured. National land programs such as LAP can exacerbate poverty or reduce it.

This study therefore seeks to investigate links between the sprawling poverty in the Upper West Region of Ghana and the land tenure systems in the region and second, to determine the appropriateness of LAP as Ghana's option to ensuring security of land tenure for the poor and poverty reduction in the region.

1.2 RESEARCH PROBLEM

Since independence, African governments have adopted policies and programs with the conviction that land tenure can be a mechanism through which the goals of gender equity, poverty reduction, efficiency and sustainable resource use can be achieved. (UNDP, 2005;

Toulmin, 2000; Cotula, Toulmin & Quan, 2006). However, making land tenure a tool for achieving the above development requirements needs the appreciation of the complexity of the African tenure systems which require equal complex tenure solutions that can be tailored to 2W5;Z000y.'AS expncitty put by Coiula, Toulmin and Quan (2006:2):

"securing land rights requires developing and implementing policy, legal and practical tools that are appropriate for different groups and circumstances, and that pay special attention to specific land tenure needs of poorer and more vulnerable groups; supporting democratic land institutions and land administration systems that are decentralized and problem centred, and that makes links with existing indigenous and customary mechanisms for managing land; improving access to effective systems of land dispute resolution, including courts, alternative dispute resolution and customary procedures ..

From Cotula et. al.,(2006), wholesale application of land policies across cultures as it is often done with state policies may leave out segments of the population from the benefits of the policies because of their peculiar cultural problems.



Neo-liberal economic institutions like the International Monetary Fund (IMF) and the World Bank as well as capitalists nations of the West generally prescribe private formal land titles as a way to assure security of tenure to land and peaceful possession, facilitating investments in housing, industry, agriculture and the service sectors of the economy that will generate employment and economic growth. (Bromley, 1991, 2007; Birgegard, 1993; Cornia, 1994; World Bank, 2003). De Soto (2001) for instance, contend that capitalist development has failed in Africa because of the lack of property titles without which, one cannot establish profitable contracts with strangers, cannot get credit and insurance or utility services. He further argues that property titles are responsible for the present capitalist development in the West and is *sine quo non* for capitalist development everywhere else through their 'collateralisation' effect which would benefit the poor the most.

Consequently, with massive support from the West, many African countries' attempts to answering the land question have entailed the transplanting of European Property Rights models

such as individual land titles and registration to replace the so-called 'obsolete' communal customary regimes of Africa (Migot-Adolla, 2000). Bromley (1991: 108) opposes private property regimes by arguing that:

While there are instances in which privatization may indeed be the answer, it is not correct to assume that such property regimes provide the widespread salvation promised them. Specifically, this interest in privatization proceeds from an incomplete understanding of the gamut of property regimes, from the refusal to acknowledge the obvious destruction of privately owned lands the world over (e.g. Erosion), from an unsupported optimism regarding who would benefit from privatization of the public domains.

Private property rights like land titling and registration is not only complex and expensive for majority of the smallholder poor farmers, but also involves competing claims which include politically and economically powerful groups taking ownership of lands of the poor (Wiley, 2007; Tuolmin, 2007). Land title registration therefore, is not a tool for ensuring security of tenure for the poor and vulnerable in the society because it is not contextual to rural peoples' land uses. Land title registration is more a land tenure security measure for higher income earners especially foreign land users than the smallholders who are the bulk of the population and contribute the bulk of agricultural productivity.

Considering the various multiple sources of land rights in Africa (Lentz 2006; Kunbuor, 2003), it is worth agreeing with Toulmin (2007:09) that:

"Given the range of diverse contexts and settings, there are strong arguments for developing locally appropriate initiatives and actions, rather than a single standard blueprint solution".

Paradigms of local community collective action in the management of community resources like Runge (1996)'s Problem Assurance Theory as well as Ostrom (1990) theory on Common Property Rights and the Evolutionary Theory Land Rights are preferred to the standard



Application across culture, these approaches opine that local communities and institution can ably manage their lands to appreciable security levels to reduce poverty and promote environmental sustainability of their community with state being a facilitator.

Ghana has not been left out in the land policy debates. Since colonialism, various governments have influenced land policy through decrees and laws until 1999 when Ghana formulated a Comprehensive Land Policy for enhanced poverty reduction and development (Bening, 1995; Ministry of Lands Forestry, 2002). This was followed by the Land Administration Program (LAP) in 2003. LAP seeks to restructure state land institutions into a One-Stop-Shop and to title and register all lands in the country as a way of making land tenure secured for investments and development. Though primarily a land administration reform program, LAP has deep reaching implications for land tenure reform (Odame, 2006). With the view that formal land titling and registration is more of a land tenure security measure for the wealthier and better informed persons in society than poorer groups (Mitgot-Adholla et. al, 1994; Kanji et al 2005; Plateau, 2000). In Ghana, however, majority of the poor and vulnerable are rural peasants whose livelihood largely depends on their access and control of land. *The position of this research was/is that, Ghana's Land Administration Program (LAP), is essentially a blueprint land titling and registration program for all land users in the Ghana and therefore lacks the ability to address the specific land tenure security 'needs of the rural poor and marginalised groups. The study, therefore, investigated the capabilities of LAP to address the land tenure security needs of the rural poor and vulnerable groups in the Upper West Region of Ghana.*

1.3 RESEARCH QUESTIONS

1.3.1 Main Research Question

The main research question is that: Is Ghana's Land Administration Program (LAP), the Land Administration Program which is currently being implemented by the Government of Ghana, suitable land tenure security tool for the majority of poor and smallholder farmers in the Upper West Region?

1.3.2 Sub-Research Questions

I. What are the local peoples' perceptions of land tenure security vis-a-vis that of LAP?

2. What are the strengths and challenges of customary land tenure security measures for marginalised groups such as the poor, widows, and settlers today that LAP can build on?
3. What is the relationship between state and traditional institutions in ensuring land tenure security for the poor and vulnerable especially?
4. What historical experiences exist with regards to various and alternative forms of formalised land tenure and security of land policies in Ghana
5. What are the peoples' views of land title registration and cadastre as an alternative land tenure security measure to the customary systems of security?
6. What can be done to improve the tenure security for most of the poor farmers?

1.4 RESEARCH OBJECTIVES

1.4.1 Main Research Objective

The main research objective is to examine the extent to which LAP is a secured land tenure approach for rural poor of the Upper West Region, particularly the vulnerable.

1.4.1 Specific Objectives

- a. To assess whether the rural peoples' perception of land tenure security is the same as that of LAP
- b. To analyze the strengths, bottlenecks and potentials in land access, use, control and ownership under the customary land tenure system.
- c. To examine collaboration between Traditional and Modern Institutions in ensuring security of tenure for majority of the poor and vulnerable in the region.
- d. To investigate various earlier strategies and policies of Government in attempting to deal with land tenure and security issues.
- e. To ascertain the region's perceptions of the appropriateness of Ghana's LAP as a land tenure security measure for the rural poor in the region
- f. To make recommendations from the findings above on ensuring land tenure security of rural poor.



1.5 JUSTIFICATION OF STUDY

Land is a primary resource for the social, economic and political development of every society. Therefore, the form of land governance; its access, control and ownership by various groups to a large extent have severe repercussions for the poverty and vulnerability trends of that society (USAID,2004).

The motivation for this research is to contribute to poverty reduction through secured and a propoor land management system, in which access, control and ownership of land and its resources is within the reach of rural peasants whose main source of livelihood is dependent on land.

This is done by examining three (3) dominant land tenurial arrangements with regards to the land security rights of the poor and marginalised in the Upper West Region. These are the Customary Land Tenure Systems, land titling and registration as envisaged by LAP and Sankana Water Users' Association's activities in land administration.

In a country where almost all western modelled development paradigms like National Industrialisation policies in the 1960s, the Economic Recovery Program/The Structural Adjustment Program (*ERPISAP*) of the] 980s have not benefited majority of the rural peasants, it would be of interest to investigate the potential effects of LAP on the many poor rural farmers and pastoralists who depend largely on land for survival.

It is envisaged that the study would make significant inputs into the content and the implementation process of LAP as Government's approach to ensuring security of tenure for the rural poor. This is especially so, when LAP adopted as its working format the "Action-Monitoring and Evaluation-Feedback-Revised Project Planning-Action" cycle (World Bank, 2003). It is further hoped that it would contribute to security of land tenure theory, practice and policy



1.6 ORGANISATION OF CHAPTERS

The research is organised in five (5) chapters for an orderly and clear presentation of issues.

Chapter one gives a general introduction to the study. In this chapter, the problem statement, research questions and objectives as well as the justification of study and a brief profile of the study area are clearly put stated.

Chapter Two is a built up of chapter one. In this chapter, critical issues of concern to the study are examined by way of reviewing relevant secondary data and defining issues in the perspective of the study. Theories, concepts and debates on land policies and security measures are discussed in the context in the study.

Chapter Three (3) unfolds the research methodology employed in the investigation of the research issues in chapter one. In this chapter, the research design including the various research approaches, methods and techniques of data collection and analysis used is reported.

Chapter Four (4) contains details of the main findings and discussions of the research. Here field findings to the research questions of the thesis are discussed in the specificity and in broad context with existing views and concepts through the support of secondary data. Tables, figures and other illustrations are used to make data analysis and presentation easier.

Summaries of main findings and conclusions of the study are in chapter five. This chapter also entails a revisit of the research problem, Objectives and Questions.

The thesis then ends in Chapter Six (6) with recommendations based on the findings of the study for policy-making, research and development practice.



Chapter Two (2)

2.0 THEORETICAL PERSPECTIVES ON LAND USE

2.1 Introduction

This chapter is essentially a secondary data review chapter which is aimed at putting the study in perspective. It investigates the various concepts, theories and debates of land tenure, land tenure policies and security of tenure measures. It also examines the various land tenure measures adopted by the various Ghanaian governments in both colonial and post-colonial times in providing an improved land tenure security for the poor and marginalised. The Evolutionary Theory of Land Rights, Hardin's (1968) Tragedy of the Commons as well as the Ostrom (1990)'s Collective Action and Runge (1996)'s Problem Assurance Theory were also reviewed. The Chapter concluded by adapting Community-Based Land Administration Concept as an alternative to ensuring land tenure security for the rural poor in Ghana.

The study's perspective of the rural poor and marginalised is also discussed in this chapter.

CONCEPTUAL ISSUES

2.2. Multiple and Competing Claims to Land

Land as a livelihood resource attracts many interests from different groups of people. The various interests and stakes in land are intersecting and if not well managed can lead to conflicts. Kunbour (2003) notes that there are multiple land rights and therefore 'multiple land owners' in the Upper West Region with the different groups having different rights to the same parcel of land. There are therefore multiple users and 'owners' of land. Land disputes arise if one party claims the exclusive rights of a piece of land which is shared. To forestall this, governments have

tended to encourage the registration and titling of land interests. The FAO (2006: 13) discusses the various interests in land as:

- *Overriding interests*: when a sovereign power (e.g., a nation or community has the powers to allocate or reallocate land through expropriation, etc.). Overriding interests in land normally involves the dispossession of lands by the state for example for the purposes of establishing a forest or game reserve. For example, the Mole Game Reserve in the northern region is taken by Government. In land stressed areas, the dispossession of land by the government often leads to conflicts. For example, the oil rich states of Nigeria.





- **Overlapping Interests:** When several parties are allocated different rights to the same parcel of land (e.g., one party may have lease rights, another may have a right of way, etc.). This type of interests would generate into unrest if one's land use rights affects the use rights of the other party or where the one party would like to usurp the use rights of the other party.
- **Complementary Interests:** When different parties share the same interest in the same parcel of and (e.g., when members of a community share common rights to grazing land, etc.). This is the commonest form of land administration in rural Ghana. There are complementary rights in grazing grounds, water sources, clay deposits and even wild life. Complementary land interests become conflict situation if a party wants to claim exclusive use of it.

To overcome this, most rural settings have community rules and norms in the use of these common pool resources.

- **Competing Interests:** When different parties contest the same interests in the same parcel (e.g., when two parties independently claim rights to exclusive use of a parcel of agricultural land. Land disputes arise from competing claims). This is by far, the major cause of land conflict. The exclusive claim of land use rights by one party dispossesses the other party from the use of it.

In the customary set-up and in most rural areas where land title registration is minimal and customary land administration is dominant, overlapping and complementary interests and uses of land is a commonplace. For example, the same parcel of land could be the family shrine of a particular family, a farmland for another and yet a common grazing place for livestock during the dry season.

Lentz (2000) and Kunbuor (2003) collaborate that the anglo-saxon land tenure terminology like Ownership does not coincide with local cultures in the region. While Ownership in the western context could mean legal entity in which the paramount title to land is vested in simpliciter, in the Upper West Region the word *own* translated into Dagare as '*so*' can only be appreciated contextually. McCormack (1983:5) summarises it all when he declared that in the contextual use

of *so* (to *own* in Dagaare) one can only contextually interpret *'so'* with regards to land ownership as follows:

The ancestors own the land and the crops in the sense that they first cleared the land and it is through their efforts that their descendents now farm on the land The patrician or lineage owns the land in the sense that it is held to have been farmed by the founding ancestor ... The ritual leader of the community (tengan sob) owns the land in the sense that he has special duties within a certain locality, although he has no control over the distribution or use of farming land Finally the senior member of a farming group owns the farm in the sense that he controls cultivation of the land and has ritual duties in connection with the farmshrines ... It also seems that if a member of a lineage borrows land from another member both are said to own the land

It is therefore worth concluding with Goody (1963) quoted in Kunbour (2003:34) that

' ... the word so used in ... these cases to express the rights a man has over land and the range of meaning is inadequately conveyed by the English own'

In line with the above, Apusigah (2006:5), advocates for the use of land rights instead of land ownership. She holds that

In true customary jurisprudence, nobody can claim ownership rights, whether men or women. Everybody can claim access and control rights. Some members of the community, like men, may have allodial and/or usufructory rights. Land ownership can at best be termed allodialship and/or usufruction. Hence, land holding rather than ownership will be a more appropriate description in that context.

The study sides with Apusigah (2006) and therefore land holding would be used instead of land ownership in this study.

The interpretation of these rights out of their contexts coupled with the increasing competition for lands do not only result in the circumvention of these rights but also the edging out of the poor and vulnerable groups to the access, use and control of land.



This research seeks to find out whether LAP, the government's approach of answering the land question in Ghana would be able to curb these conflicts and also protect the land rights of vulnerable groups.

2.3 LAND TENURE AND SECURITY OF TENURE IN PERSPECTIVE

Land tenure generally refers to the set of rules governing the use, control and ownership of land in a particular society. Kasanga (1988:2) concurs with Renne (1947) that land tenure is a

' ... broad term covering all those relationship established among men, which determine the varying rights in the use of the land. It deals with the splitting of property rights for their division among various owners, between owner or occupier and creditor, and between private owners and the public'

The land tenure system of any society is rooted in the value system of the society and also grounded in the social, political and religious antecedents of the people and therefore contextually meaningful to the people of that particular society. As explicitly defined by Security of Land Tenure (SLATE) component of CARE International land tenure is

'the system of landholding, which has evolved from the peculiar political and economic circumstances, cultural norms and religious practices of a people regarding land as a natural resource, its use and development. It includes rules, regulations and institutional structures both customary and enacted legislations, which influence the holding and appropriation of land and its resources for socio-economic reasons '.
(CARE

International, 2003:3)

Land tenure regimes are therefore contextually derived from a people's history and socio-political past. It is this past that defines today's access, use, control and ownership rights among the group.

The Land Tenure System also spells out the land use systems of the society. Benneh (1987) quoted in Toulmin and Quan (2000: 1) rightly observes that land use rights depend on the land tenure system when he declared that:



One of the important components of land use or farming system is the land tenure system. The institutional arrangements under which a person gains access to land largely determines, among other things, what crops he can grow, how long he can till a piece of land, his rights over fruits of his labour and his ability to undertake long term improvements on land.

This important role land tenure plays in the livelihood calls for a land tenure system that is secured enough to allow long term investments in land and among the many rural poor in Africa if poverty is to be reduced as per the Millennium Development Goals.

Place, Roth and Hezell (1994: 19) define land tenure security as a land tenure arrangement in which

"an individual perceives that he/she has rights to a piece of land on continuous basis, free from imposition or interference from outside sources, as well as ability to reap the benefits of labour and capital invested in land, either in use or upon transfer to another holder"

Security of tenure can therefore be defined as one's assurance of the baskets of rights including use, transfer, inclusion/exclusion and enforcement that accrue to one's use of a particular piece of land. Tenure security therefore means ensuring clarity in one's duration of use, exclusion of rights and benefits of labour from a particular piece of land.

Food and Agriculture Organization (2000:6) outlines the attributes of Land tenure security as:

- Clarity of physical location and boundaries
- Clarity of Rights regarding the allocation and regulation of its use and transfer.
There should be clear 'rules of the game'.
- Freedom from fear that the land Rights will be arbitrarily taken away or diminished.
There should be an expectation that the 'rules of the game' will be enforced, and freedom from fear that rules will be unilaterally changed without resulting damages being compensated

- There need to be accessible, affordable, fair and effective avenues for seeking protection of rights and for solving disputes.

Land tenure security can be achieved both under the customary and state land administration (FAO, 2000; Platteau, 2000). Since majority of the poor in Ghana are subsistence rural farmers who depend heavily on land for survival (GPRS I & II; Ghana Statistical Service, 2000), ensuring land tenure security for rural farmers especially is necessary for the reduction of poverty and achieving a Middle Income Level status by 2015.

However, for the last few decades African governments'

"... efforts of ensuring land tenure security have traditionally emphasized large-scale land title registration programmes. Individual titles, a long-standing argument runs, would increase the willingness and ability of landholders to invest, by removing disincentives and by improving access to credit as titles can be used as collateral" (Cotula et al, 2006: 19/20)

Unlike Latin America and Asia, where land titling and registration have chalked some success, the consequences of mass registration of lands in Africa have been slow, expensive for most rural smallholder farmers, difficult to keep up-to-date registers and has generally benefited from middle and higher income level earners than the rural poor (Deininger, 2003; Cotula et al, 2004; 2006)

However, the FAO (2006) concedes there are other sources of security other than land titling and registration and they vary from context to context as outlined below:

- An important source is the community and its specific groups such as local farmers' organizations and water users' associations. When neighbours recognise and enforce a person's rights, that person's security increases. In many customary tenure arrangements, people gain property rights through membership of social communities. Maintaining property rights validates





membership in the group just as much as membership facilitates the acquisition and safeguarding of property rights.

It is in line with this view that I chose Sankana in the Nadowli District of the Upper West Region as one of my study community, where there has been a Water Users Association since 1968 to manage irrigable lands from the Sankana Dam. In this light, I am able to compare community evolving land rights to that of land registration and the customary land tenure system.

- Governments represent another source of security as they may provide political recognition of some rights. For example, a government may accept the illegal encroachment and settlement of a community on state forest lands and undertake not to evict it. However, in doing so, a government usually recognises the right of the community to occupy the land, but does not go as far as recognising the rights of individual people within the community.
- Another source may be the administrative state and the formal legal system. The state may provide security in general by affirming the rights that people hold as well as through specific measures such as providing protection against trespass. Security is often seen to come from protections provided through land registration and cadastral systems, with adjudication of disputes taking place in the formal court system.

LAP is modelled on this system. Thus it seeks to demarcate all lands and register all lands interests in the country. How would this exercise secure the tenurial rights of the poor is the contention of this thesis. Field work studies were also done at the Tabiasi Community in the Upper West Region which has been LAP piloting for over five years now.

- In some countries, security can also be provided by coercive structures such as "warlords" that emerge in the absence of an effective state during periods of breakdowns and civil unrest. Of course, this is not a desirable source of security as these structures may in turn prevent the development of strong communities and legal systems necessary for good governance. The challenge now is to explore a community-based land tenure system that would be accessible and meaningful to the rural people as well as other stakeholders in land.

Ghana launched the Land Administration Program (LAP) as a way of ensuring land tenure security for all interest groups on land among others. LAP is essentially an administrative reform

tool that seeks to inject efficiency into the state land administrative system to effectively register all land in the country and cadastre system

This study seeks to assess LAP's suitability and to contribute to Ghana's search for a pro-poor land tenure security.

2.4 FORMS OF LAND TENURE

Land tenure is often categorised into Private, Communal, Open Access and State tenure.

These forms are briefly discussed below in line with the FAO (2007)'s views:

- **Private:** The assignment of rights to a private party who may be an individual, a married couple, a group of people, or a corporate body such as a commercial entity or non-profit organization. For example, within a community, individual families may have exclusive rights to residential parcels, agricultural parcels and certain trees. Other members of the community can be excluded from using these resources without the consent of those who hold the rights.

Private land tenure system is common in urban areas and is largely associated with formal land title registrations. LAP is modelled in this form; that is to provide deeds and titles to all lands in the country.

- **Communal:** A right of commons may exist within a community where each member has a right to use independently the holdings of the community. For example, members of a community may have the right to graze cattle on a common pasture or a water body. This is the commonest form of land tenure in rural areas.

- **Open Access:** Specific rights are not assigned to anyone and no-one can be excluded. This typically includes marine tenure where access to the high seas is generally open to anyone; it may include rangelands, forests, etc, where there may be free access to the resources for all. An important difference between open access and communal systems is that under communal system non-members of the community are excluded from using the common areas.



- **State:** Property rights are assigned to some authority in the public sector. For example, in some countries, forest lands may fall under the mandate of the state, whether at a central or decentralised level of government.

2.5 SECURITY OF LAND TENURE AND THE POVERTY REDUCTION NEXUS

Land is a very strategic socio-economic asset, particularly in poor societies where wealth and survival are measured by control over, and access to, land (USAID, 2004). Therefore by ensuring that the poor and marginalised in society get secured access to and control of land and land resources is empowering the poor to reduce their poverty levels.

Ghana's desire of attaining a middle income status by 2015 as stipulated in the Millennium Development Goals (MDGs) would be a fiasco if the many poor would not be able to earn up to the \$1000 mark per year. The agricultural sector, made up of mostly small-scale landholders is the largest contributor to Ghana's Gross Domestic Product (GDP) and the major employer (Ghana Statistical Service, 2000).

Land tenure security is a poverty reduction strategy in the sense that it will induce investments in the land sector for sustainable agriculture. To achieve this, the GPRS II states that:

Existing variations in access and control over land in different communities will be re-examined to promote easy access and ensure equity to all, especially to usufructory holdings in addition to improving the system of land registration to protect the interests of small holders, Furthermore, the establishment of agri-business zones and land banks will be promoted The Land Administration Project will be reviewed to recognize the importance of property rights to Micro, Small and Medium Enterprises and the Land Title Registration Law of 1985 will be enforced as a means of ensuring security of tenure of small land holders, especially women and the youth. (GoG/NDPC, 2006:32)

Ghana hopes by addressing the land question as above, land tenure would be secured enough for all stakeholders in land sector, to efficiently use it for the purposes of agricultural productivity, agribusiness and industry as a way of stimulating economic growth and development. The



importance of land security to poverty reduction therefore cannot be emphasized. Place (1993) hypothesized the advantages of security of land tenure for poverty reduction as follows:

- First, land tenure security has the potential on both the demand side (incentives to farmers) and supply side (incentives to lenders).
 - o On the demand side, land tenure security would lead to increases in medium to long term land investments and farm equipment. This is because the operator would capture his/her investments returns and also resources that would have otherwise been used for land tenure disputes curtailed.
 - o On the supply side, they argue that security of land tenure would enhance the land's collateral value and improve the creditworthiness of the land holder, thereby raising lenders' expected returns, especially in the long-run.
- Second, they envisage that security of land tenure would enhance the efficiency of the land market.

Earlier research by Barrows and Roth (1990) concurs the above advantages of land tenure security for poverty reduction. Much as I agree security of land tenure is undoubtedly necessary to stipulate economic growth and development, the way in which land is secured is the concern of this study. Land tenure security approaches such as individual land titling and registration as spelled out by The Ghana Land Registration Law of 1986, dispossess local small land holders from their land to the powerful foreign investors and higher income earners because of the cost and bureaucracies involved (Toulmin, 2007; Wiley, 2007), whilst on the contrary, community based approaches can empower local communities to take better control of their land resources (Runge, 1996, Ostrom, 1990). The thrust of this research therefore is to examine the suitability of Ghana's Land Administration Program as security of land tenure program for the many poor rural farmers.



2.6 THEORETICAL FOUNDATIONS OF LAND MANAGEMENT SYSTEMS

2.6.1 Tragedy of the Commons

Argument for private property ownership and government regulation in the use of natural resources is largely influenced by Garrett Hardin's (1968) 'Tragedy of the Commons' Theory. The 'Tragedy of the Commons' is based on the dictum that, 'what is every body's property is

nobody's property'. This is because, of the fact that, where individuals enjoy open unregulated access to a resource in common property, privately rational behavior can lead to the over-exploitation of the resource to the detriment of the long-run interests of everyone. A situation referred to as 'Social Trap' and defined as a situation that:

... exists wherever the rational decisions of individual agents necessarily leads to an outcome that is inconsistent with the best interests of society. These are circumstances in which the signals guiding individual choices are distorted by the informational, institutional or temporal parameters of the decision-making process (Constanza and Perrings, 1990:2).

Hardin (1968) holds that the unsustainable in the management of common resources is mainly because of the lack of institutional governance and coercion to enforce sustainability measure and avoid free riding. He therefore advocated for institutional governance in the management of common pool resources such as rangelands, waters and forests lest they suffer from individual insatiable quest to maximize benefits therefrom resulting in degradation resulting in the tragedy of all the commons. As such common property should be privately owned or managed by a central body like the state (Hardin, 1968).



Strengthened by this view, many African Governments, on attainment of independence, intervened in the customary land tenure *systems* of their countries through codes, laws and decrees. This has resulted in the formal institutional management of lands in Africa. In Ghana for example, The Lands Commission Act 1962, (125) and the Administration of Lands Act, 162 (Act 123) saw direct state intervention in Land administration. The Administration of Lands Act with Consequential Executive Instruments 87 and 109 of July 1963 vested all Northern Lands in the President (Kasanga and Kotey, 2001). These State Laws operated across all cultures in the country and independent of traditional institutions and community cultures. This sometimes results in rules that are in conflict with local community worldviews and understanding and therefore non-compliance in some cases (Marsh, 2002; North, 1990) as local community institutions are sidelined with these state institutions.

Despite the efforts of the state to emasculate traditional land administration, 80% of land transactions in Ghana are by customary land tenure regimes. (Kasanga and Kotey, 2001; World

Bank, 2003). This gives credence to Berry's (1993) view that many people in the traditional setup rely on social relations and networks for the land tenure security. It therefore follows that ensuring land tenure security would be easier and meaningful to majority of the rural folks, if the various customary land tenure systems are adopted and enhanced by Governments as an approach to land tenure security.

2.6.2 Evolutionary Theory of Land Rights

Related to the Hardin's 'Tragedy of the Common' is the Evolutionary Theory of Land Rights (ETLR). ETLR has it that as land becomes more and more scarce for example due to population rise and urbanization, there would be greater needs for security of tenure on individual basis which would gradually evolve to greater individualization and formalization of land (Feder and Feeny, 1991; Quan, 2000; Platteau, 1996). Evolutionary theorists further point out that customary land tenure systems are dynamic and vibrant, and therefore will automatically adapt itself to the changing conditions of the society (Mikkelsen, 1995; Platteau, 1996). Consequently, they perceive private land property regimes as unsurpassed for land tenure security and imminent with population growth, urbanization and economic growth. Therefore various governments should stimulate land privatization and individualisation through land titling and registration. However,



empirical evidence from many parts of Africa shows that the picture is often complex than the linear process described by the theory ... intra-family individualization processes may co-exist with the continuation or reinterpretation of the collective dimensions of customary land tenure, in order to reaffirm the primacy of land rights of locals vis-a-vis groups outside the extended family (Cotula,2007:2)

There is therefore the need for careful blend of customary land tenure with statutory land tenure for land tenure security in many parts of Africa. This study opines that Community-based customary land tenure systems for example would be able to engulf all these complexes for documentation by the state.

2.6.3 Collective Action and the Problem Assurance Theory

Converse to 'the Tragedy of the Commons', are Runge (1996)'s 'Problem Assurance Paradigm' and Ostrom (1990) 'Collective Action' which recognize community institutions as the linchpin people that share a common interest, perceive that interest and act to achieve it (World Bank, 1999). Collective action is an important mechanism for coordinating individual resource users towards achieving socially accepted outcomes by assigning management responsibilities that correspond with simple and complete ownership rights (Bwalya, 2004). Traditional community institutions can ably manage community resources such as land because of their common interests in land. Indeed, Olson (1965: 1) argues that

... if members of some group have a common interest or object, and if they would all be better off if that objective were achieved, it has been thought to follow logically that the individuals in that group would, if they were rational and self-interested, act to achieve that objective.

It therefore stands to reason that community groups such as migrants/settlers, women and leadership of community institutions would co-operate with each other to come out with structures and rules for a sustainable community based land administration policy. Runge (1996), Ostrom (1990) and Ostrom et al (1994) have the perspective that community institutional arrangements and rule-making would effectively manage community lands and other resources for the benefit of majority of community members because of the common interest in resource (land).

The Runge's (1996) Problem Assurance Theory is based on the principle to forestall the failure of the top-down policies, codes and laws on natural resource management designed by government agencies in line with the 'tragedy of the commons' approach, governments should seek to support traditional institutions where they are effective, and promote them where they no longer exist in their efforts to manage natural resources. It further argues that the assumptions of the 'Tragedy of the Commons' hypothesis are unrealistic: rural producers living in the same community often do not practice the same livelihood, thus they do not share the same interests in resources, nor do they act entirely independently of their fellow producers. Hence, research using this approach argues that a learning process takes place between competing but linked users of



resources. Runge (1996) therefore, argues that individual decisions are conditioned by the expected decisions of others. Thus, if expectations, assurance and actions can be co-ordinated, there is less necessity for people to pursue 'free-rider' strategies: indeed, co-operative behaviour might be a utility-maximising strategy.

According to the theory, traditional institutions such as Chiefs, Tindana, Family Heads and Clan heads would be able to manage community lands better than state institutions.

2.6.4 Community-Based Land Administration

The study advocates for a Community-Based Land Administration System in which land is being managed collectively by all stakeholders in the community. This is because of the conviction that; "A decentralised system that is community-based, community operated, community-controlled, and is the result of empowerment to this level of society, will probably produce the most adoptable, cheapest, most owned and therefore most lasting administration and management regime." (Alden Wily, 2003).

Available literature (Fairhead and Leach 2004; Marsh, 2002; North, 1990) demonstrates that local communities and traditional institutions have been able to establish and maintain organisational structures and enforce mutually agreed rules on the use of natural resources.

In view of the above, a community-based land administration concept with minimal would be most suitable to ensuring that the lands interests of the rural poor are protected. It is further envisaged that these community based land administration would allow local communities to develop their own peculiar rules and laws to meet their respective community land issues.

2.7 CUSTOMARY LAND TENURE SYSTEM AND CUSTOMARY PERCEPTION OF LAND

Majority of lands in Africa are held under customary regime, where local community norms, customs, law and rules determine the land holding system. In Ghana, about 80% of land holdings are held under customary land tenure (Fobih, 2004; Kasanga and Kotey, 2001). Lands in Ghana are normally communally owned and held in trust for both the living, the dead and yet to be born members of the family or community members by stool, Skin, *Tindana*, Clan or family head (Kasanga, 1996; Berry, 1993)



Bower (1993) rightly defines customary land tenure as community and culturally based land rights when, he declared that:

Customary land ownership and practices occur where the right to use or dispose of use rights over land rests neither on the exercise of brute force, nor on the evidence of rights guaranteed by government statute, but on the fact that they are recognized as legitimate by community, the rules governing the acquisition and transmission of these rights being usually explicitly and generally known, but not recorded in writing.

Customary land tenures are complex, exhibit multilayered land rights/claims and are contextual to particularly groups or communities but have a common similarity of communal or family ownership. (Lentz, 2006; Kunbour, 2003; Quan, 2007).

Customary land tenure is derived from a group's history and culture. Lentz (2003) defines indigenous land rights as those rights which the local actors justify with reference to local norms and beliefs, and not with reference to the state and national legislation. She outlined two indigenous theories of land ownership as based on and derived from the 'First-comers, late comers' concept and the possession of the Earthgod. The First-Comers, Late-comers concept is based on the fact that groups that settled on unoccupied lands first own it. This is by virtue of the fact they invested their labour in clearing up the place for habitation and have created gods or appealed to the gods of the land for a successful habitation. They are therefore termed the indigenous or allodial owners of the land and can in turn appropriate lands to other immigrants by their customs.

Second, Lentz concurs that indigenous land ownership rights could be derived from the possession of Earth gods. She explains that a group could derive indigenous land rights if part of the land god is ceded to them after a fine or negotiation is reached (Lentz 2000; 2003).

In Ghana, customary land transactions account for about 80% and are being managed by traditional institutions such as Chiefs, Tindana or earth priests, family and Clan heads. The management and administration of land is not only physical but social and spiritual as well. The



perception and significance of land by the peoples of northern Ghana and their traditional institutions are rightly captured by Amissah (1996:146)’s assertion that generally land

‘is conceived as a cultural heritage, a societal asset, and an economic good. As a cultural heritage, the traditional belief is that the real owners of the land are the spirits of the dead members of the community. ... As a societal asset, land belongs equally to the dead, the living and the yet unborn ...as an economic good land is a source of wealth, a commodity and a resource’

Amissah’s (1996) view collaborates with Lentz (1998:4) view of the Dagara conception of *Teng* (Land) as she observes that:

Teng in Dagara language can be translated as land, both in the material and a more abstract sense. There is no other word for settlement or village than the teng, thus the Dagara language does not differentiate between settlements, their material structure of widely dispersed houses and paths- and the space taken up by these structures.

The general traditional conception of land is summarised in the table 2.1 below:

TABLE 2.1 TRADITIONAL CONCEPTION OF LAND

Land as:		
1. Physical/Natural Asset 1. Source of all material and economic resources 2. Media by which the gods and spirits speak to community. Eg Good rains means gods accepts community prayers or some gods in the form of some animals or rocks etc 3. Village or town or settlement	2. Social/Cultural Asset 1. Sense of belongingness, citizenship or acceptance in a community/place and therefore 2. Communally owned and managed with common taboos. 3. Symbol of wealth	3. Spiritual Asset 1. Abode of spirits and community gods (Both evil and good) and therefore 2. The need an Earth Priest (Tindana) to give spiritual direction in its administration and management 3. Signs of blessing

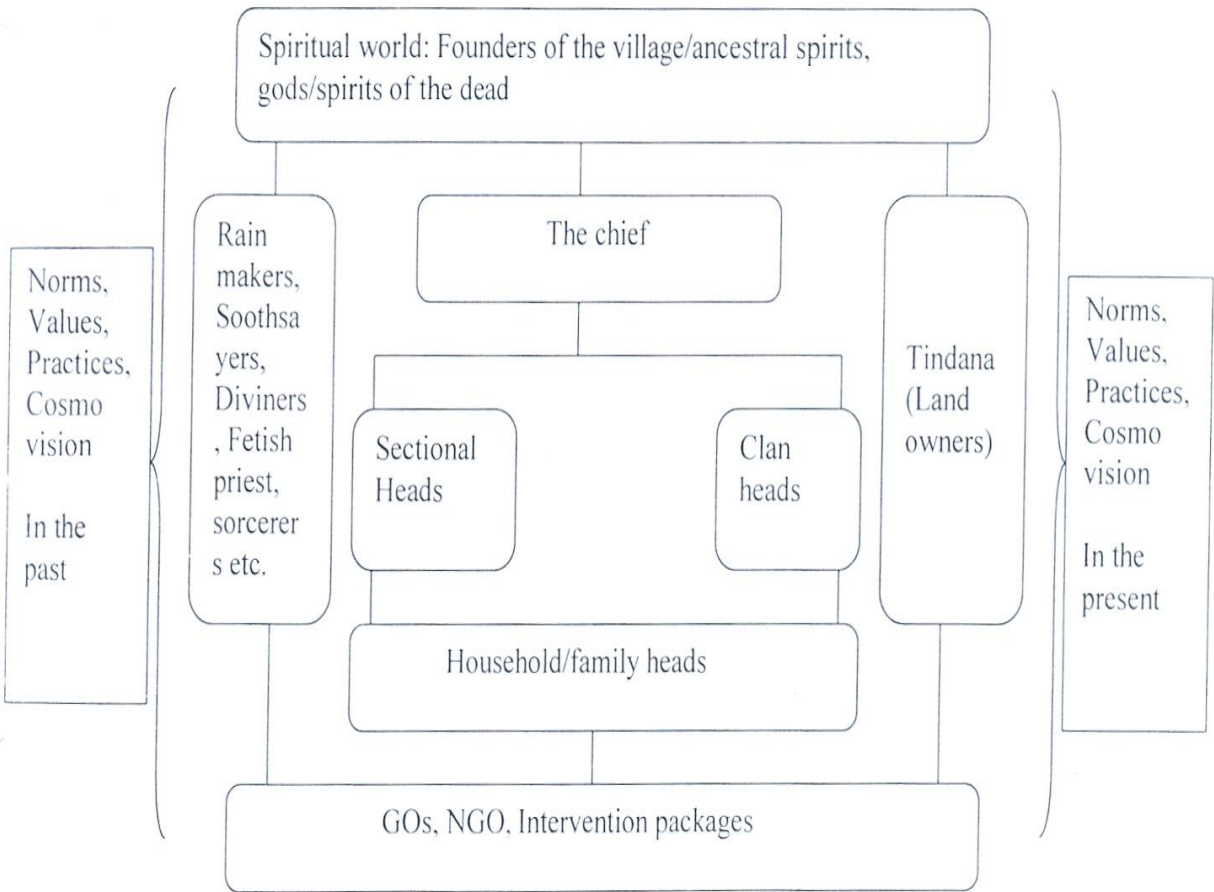
Source: Author's Construct

With this perception land is communally owned and the role of the Tindana is to handle the spiritual issues of the land in the Upper Regions of Ghana. ‘Customary titles’ to land are defined

by societal norms, taboos, sacrifices and relationships. Customarily therefore, land is not just a physical or social object but a spiritual entity of various spirits and gods.

The traditional institutions that manage customary lands have their own checks and balances. For example, in most communities in the Upper Regions, chiefs are traditionally not land administrators and therefore need to collaborate with the Tindanas in land affairs. Similarly, the Office of the Tindana is only spiritual and custodianship. A Tindana needs to co-operate with the family/clan heads in land matters. This system minimises land abuse in rural communities. The traditional Institutional structure of land administration is captured by Millar (2003) as below:

Fig 2.1: Traditional Land Institutional Structure in the Upper West Region



Source: Adopted and modified from Millar, 2003.

From figure 2.1, the ultimate owners of the land are the gods/spirits of community but are administered through the Institutions notably the Tindana and others like the rainmakers. In communities under the Wechau and Dorimon traditional areas, the Chief doubles as the Tindana

and even rainmakers. However, in some communities like in the Nandom traditional area, the Chief is only political head of the people and since the people are resident on the land, he normally ensures that the land is pacified and safe for his subject by collaborating with Tindana and other institutions. It is worth noting that women are sharply divorced from land administration as they are not part of the land traditional administration system.

Customary land tenure is characterised by the co-existence of multiple layered land rights and use which interpretation could lead to conflicts (Lentz, 2000; Kunbuor, 2003; Songsore, 2001) hence the arguments for formal land title regimes.

Lentz (2000:490) outlines that

... The Black Volta Region is characterised by a complicated system of levels of rights to natural resources ownership and usufructuary rights to agricultural land, pastures, economically exploited trees and waters (ponds, streams) do not necessarily coincide ... it is possible, for example, to give out a certain field to a 'stranger' for cultivation, even for the a lifetime but, reserve the right to harvest the trees standing on the field

Apart from the difficulty in interpreting the multiple layer rights, customary land administration has also been severely criticized as a system that lacks basic written records and the dearth of permanent boundary indicators leading to multiple transactions of the same piece of land that causes disputes (Kasanga, 1995; Kasanga and Kotey, 2001; Nyari, 1991). Hence, the need for state land title registration to ensure security of tenure and prevent land conflicts. It is further criticised as not being gender sensitive in the acquisition, use and control of land because women do not own land and their access to land depends on their relationship with men (Awumbilla, 2002; FAO, 2006; Wheat head and Tsikata, 2002)

Moreover, customary land tenure is perceived to be an impediment to development because it is culturally embedded and generally offers members of particular social groups, overlapping multiple land use, while excluding some groups from the transactions of land (Mitgot-Adholla and Bruce, 1994; Harrison, 1987). In practice however, land is seldom refused a stronger because it is culturally unacceptable (Dittoh, 2004).

The study posits that community-driven land administration as a sure way to ensuring for the rural poor because its inheritance system ensures that the important resource remains in the community even though its inheritance system is assessed as not being gender sensitive (Wheathead and Tsikata, 2002). With sensitisation and education, Community-driven land tenure systems can patch up the much criticized gender insensitivity in customary land tenure regimes and also makes land available for investments.

2.7.1 Forms of Customary Land Holdings

Customary lands in southern Ghana ultimately belong to the Paramount Chief of the area. However, within these stool lands are "Abusahene", a subchief responsible for sharecropping on stool lands and the "Abusuahene" responsible for family lands administration and management.

Customary holdings of land in northern Ghana, however, can be appreciated in three main categories outlined as follows:

- Stool lands

Article 295 (1) of 1992 Constitution define stool lands



' ... Any land, or interests in or right over any land controlled by a stool, skin, the head of a particular community or the captain of a company, for the benefits of the subjects of that Stool or the members of that particular community or company'

Stool lands are termed skin lands in northern Ghana and in this system lands are vested in the skins for the benefits of the constituents of the skin. This system is practiced common among the centralised chiefly states of the Dagomba, Nanumba and Gonja. In these kingdoms, the allodial title to land is the Skin represented by the Ya-Na in Dagbon, Bimbilla-Na and Yagbonwura in Gonjaland and the Nayiri of Mamprungu (Kasanga and Kotey, 2001). These titles are then subletted to their respective sub-chiefs. The skin, titular head of the lands and land is a symbol of authority. Failing to recognise the skin as the allodial title is a non-recognition of the political jurisdiction of the skin in that area (Kasanga, 1993). In these, kingdoms wars of conquest have put the Tindana into the background and in their place are sub-chiefs who are both the political head and the landlord. The ultimate authority of lands in these areas is vested in the skin (Kasanga, 1993).

Though these lands are vested in the stools/Skins, their administration is not without extensive government's regulation. By 1992 Constitution (Article 267). The Administration of Lands Act, 1962 Act 123 and the Office of the Administration of Stool Lands Act, 1994 Act 481;

A grant to a non-member of the land owning stool/skin requires the concurrence of the Lands Commission.

All revenue in respect of stool/skin lands whether in the nature of capital or periodic payments including rents, royalties, etc must be paid to the Office of the Administrator of Stool Lands.

No freeholds can be granted of such lands, including customary freeholds.

Government's regulation of Stool/Skins lands may make the implementation of LAP in Stool/Skin lands area easier. The concurrence of the Lands Commission invariably means issuing of deeds and titles to the prospective new land owners which is the core of LAP. But, will land title registration protect the poor subjects of the stool/skin from their lands being dispossessed? How will LAP ensure the transactions of stool/skin lands are of benefit to the poor in the area?

• Communal Lands

Similar to skin lands, lands especially in the Upper East and West Regions are communally held with the Tindana being the titular head (Kasanga and Kotey, 200 I; Millar, 2004). Here, the allodial title to land is the Tindana whose role is spiritual and custodianship. Communal lands such as sacred groves and waters as well uncultivated lands that are kept under the custodianship of the Tindana. In most communities communal lands are associated with rights like the rights to water, to burial grounds, to non-timber forests products and minerals like clay.

However, there has been a recent report of chiefs usurping the powers of the Tindana and signing deeds for people. This has resulted in conflicts between chiefs and Tindanas in the upper regions (Lund, 2003).

• Family Lands

All lands apart from the uncultivated lands which are under the custodian of the Tindana belong to families. As aptly put, 'Land belongs to a vast family, of which many are dead, few are living and countless numbers are yet unborn' (West African Lands Committee, 1916b 31-32 in Berry 1993: 107). Lands are largely held as family resources, which are passed on from generation to generation.

Individual family members acquire their portions of lands by the customary allocation of family lands by the head of family.

Apart from stool/skin lands, the 1992 Constitution have stipulated under family and communal lands under private property and therefore devoid of government regulation. In this system, authorised representative of the family or clan or Tindana have the right to manage lands on behalf of his people.

LAP's challenge would be in getting the consent of all these family heads to have their lands registered.

2.8 STATE LAND POLICIES IN GHANA

Since colonialism to date, both customary and statutory land administration have witnessed some changes. In this segment, I trace the trends of land administration since colonialism to give a broader picture of the motivations for changing paradigms of land tenure in Ghana and northern Ghana especially and how these have influenced Ghana's Land Administration Reform - LAP. It would also afford me an opportunity to assess whether state intervention in land administration have always been geared towards the land needs of the poor.

2.8.1 Colonial Land Policies



Lund (2004) records that there were dichotomies in philosophies of land administration policies during the colonial era in Ghana. While Governor Guggisburg advocated for total seizure of land by the crown, to enable easy access for his proposed railway linking the north and south of Ghana and to protect the north from land grabbers, Lord Lugard (1965) advised the opposite when he cautioned that:

It seems preferable that the natural evolution of land tenure should not be arbitrary interfered with, either on the one hand by introducing foreign principles and theories not understood by the people, or, on the other hand, by stereotyping by legislation primitive systems which are in a transitional state. Each advance should be duly sanctioned by native law and custom, and prompted by necessities of changing circumstances. Such a policy of patient progress is best adapted to the country (Lugard, 1965: 1 01/102)



Luggard's advocacy for natural evolution of the customary land tenure system did not materialize as the colonial government was soon to intervene into customary land tenure system with various Ordinances. The colonial government perceived the communal land tenure system unsuitable for capitalist development and therefore saw it imperative to foster its replacement with the evolution of private land rights. As such the 1927 Land and Native Rights Ordinance (Cap. 143) was passed to annex all native lands in the Protectorate, occupied or unoccupied to the Governor. Nyari (2002) and Bening (1995) outlined that the British colonial land policy in the country and Africa generally was influenced by:

- a. The need to protect land from the land grabbing pretensions of non-natives
- b. Traditional Institutions administering land were too weak to match the skills and dexterity of such land grabbing non-natives from whom they need to be protected
- c. The nature of the Rights and modes of acquisition of lands through customary procedures do not offer the necessary incentive to support the system of capitalist development based on Rights of Occupancy was a better one.
- d. That the colonial administrator must have unbridled access to land with little burden on state coffers since the north was essentially 'barren waste land'.

Though some of the above listed views were said to have been for the good of natives, it was soon realized that the colonial land policy was out to make land accessible to Private British Companies and to raise revenue for administration of the northern territories (Bening, 1995).

Colonial land policy in the Northern Territories was therefore not geared towards empowering local people to take control of the land for development but to ensure that land was readily available for European private investors and the colonial government in general. The colonial land administration system marked the beginning of dualism in the land market as land transactions in Ghana today are guided by both the customary and statutory laws.

• ∴. *Traditional Institutions and the Colonial Land Administration*

Traditional Institutions refer to as the socially accepted structures and principles of behaviour of a group of people. These institutions are those that have been developed over years of experiences and are firmly rooted in the indigenous culture of the people. They are not backed by



state statutory instruments but by norms, conventions, traditions and customs, language culture handed down to them from generations and history (Goodin, 1996; Bebelleh, 2007). In northern Ghana, these institutions consist of the Chiefs and Elders, Tindana, Soothsayers, rainmakers, family and clan heads. Prior to colonialism, these institutions collectively and severally controlled and still control the allocation of land and land use systems of their respective communities according to community laws in many parts of Ghana.

Rattray (1932) observed dualism in the traditional institutional set-up of the northern territories and reported that predating colonialism are secular rulers mostly from earlier warrior bands for the people and the religious head for land matters. These are the Chiefs for the people and Tindanas for the land. How have these institutions been treated during the colonial era with regards to colonial land administration is the contention of this segment.

The colonial administration perceived traditional institutions in land administration in the northern territories as not being assertive enough to administer lands effectively for development, hence one of the reasons for annexation of land to the crown.

These sentiments were amply embodied in the following statement by high level colonial officials. For example, the colonial secretary, TSW Thomas, in 1928, displaced a lacked confidence in the foresightedness of African Chiefs in land administration and management when he observed that;

By inherited instinct the African native sets greater store by the right to the use and enjoyment of sufficient land to support himself and his family than by any other right of all. Nonetheless, so acute is his enjoyment of the present and so inactive his imagination of the future, that African chiefs ... have time after time when given the opportunity and subjected to opportunity to do so, bartered away the most precious inheritance of their tribes for the most trifling monetary advantages. The Government is determined that no such opportunity shall be afforded to, and no such temptation shall be placed in the way of, the Chiefs in the protectorate, and in this determination it is assured that it has the full support of all the those who have the welfare of the African at heart.

Source: Cited in Bening, (1995:242)

Chiefs were therefore judged not to be competent enough to manage their own lands for the benefits of their own people and therefore the need for state intervention. Guided by this thinking, the colonial government enacted various Ordinances that sought to give the Governor greater powers in the administration of lands in Northern Ghana. Notably among these Ordinances are the Land and Native Rights Ordinance of 1927 with amendments in 1931 which vested both occupied and unoccupied lands in northern territories to the Governor. With this Ordinance, Bening (1995:244) notes that the colonial government claimed

"It acquired no title to the lands which remained the property of the people but the Governor became the trustee for, and representative of the people. The Land was therefore placed under his control so far as applications by foreigners for concessions and plots were concern and he is to protect the lands and ensure their proper development ".

However, in practice the Governor had wide latitude of freedom and as such acquired large tracks of land for its administrative needs without compensation to the customary owners of the lands.

The 1927 Lands and Native Rights Ordinance was the first Ordinance to invite the State in land administration in Northern Ghana. Perhaps, from the colonial government's experiences in the Ashanti and colony as well as interactions with chiefly states of the Dagomba and Gonja, it was erroneously perceived that chiefs were the only traditional authorities in land administration in the Protectorate until Rattray (1932) publication.

The peculiarity of the Office of the Tindana, in the now Upper West and East Regions of Ghana in the customary land tenure system was 'discovered' by Rattray (1932) and was confirmed by the Colonial Government's Land Commissioners report to the Northern Territories in 1948. The Lands Commissioner reported in 1948 that:

"Throughout the Protectorate the control of land is in the hands of one or other of the land priests known as Tindana... These priests are in absolute control of the land under

their jurisdiction both as regards tenure and the practical rules of agriculture, and can eject an occupier who is unsuitable for or who farms in an “unhusbandlike” manner

Source: Cited in Lund (2004)

Similarly, Songsore and Denkabe (1995:73) noted that of in the now Upper West Region that

'before the 14th and 15th centuries, the social formations were characterised by a predominant communalistic mode of production in the which village societies were relatively autonomous with the Tendana serving as a mediator between village society and their land'

The colonial government having dealt with chiefs in the colony and Ashanti since their arrival decided to edge out the important institution of Tindana in land administration to the projection of the chiefs (Hawkins, 2002). As such only Chiefs were dealt with in the colonial land transaction which has divisive repercussions between Chiefs and Tendanas in land administration even till date (Lund, 2002; 2004). For example the present situation where chiefs in northern Ghana sign land deeds in some places in the Upper Regions is the colonial precedent which sometimes leads to conflict.

Needless to say, family heads, clan heads, soothsayers and rainmakers that are all important customary land institutions were ignored. My comment of the British colonial administration in relation to the Traditional Institutions in Northern is that of a controversy as the 1927 Lands and Native Rights Ordinance annexed land administration from the allodial owners and yet practically promoted chieftaincy and chiefs to be accepted allodial land owners and/or administrators to the detriment of the Tindanas even in areas where chiefs were not present. A situation that only did not create institutional conflicts in land administration in the upper regions especially but also stifled the development of customary land tenure in these areas.

Traditional institutions have however survived to date and 80% of land transactions in Ghana are customary transactions that depend on traditional institutions such as chiefs, Tindanas, Family/Clan heads, soothsayers and rainmakers (Kasanga, 1996; Kasanga and Kotey, 2001; Fobih, 2004). Again, I envisage that in searching a land tenure security for majority of



Ghanaians, it is prudent to strengthen the customary land tenure regimes that are contextual to the worldviews and land use needs of the various areas and not to superimpose any other forms of tenurial security on them.

2.8.2 Post-Colonial Government's Responses

Early post-Independence state land administration witnessed the evolution of state institutions in land administration in Ghana. Reasons for government's intervention in land administration are outlined in Kasanga and Kotey (2001: 1):

- The satisfaction of 'public' interests, 'public' good or 'national' interest.
- The correction of anomalies and problems in the customary sector, such as litigation, land disputes, unfavourable agricultural tenancies, etc.
- The introduction of written records, through deeds and land title registration, to confer security and promote investment in landed property, through the use of registered documents for collateral purposes.
- The acceleration of development by erasing land acquisition and procedures.

With these reasons, Government assumed that customary land tenure systems are deficient in providing the above service needs of both governments and private sector. It can also be gathered that like the colonial administration, post-independence Ghana intervened in the customary land administration was not necessarily to protect the indigenous poor farmers but to ensure security of tenure for the state.

Lands in Northern Ghana were vested in the state by the Administration of Lands Act, 1962 (Act 123). Post-colonial era witnessed the enactment of many other land laws establishing state institutions. Notable among these institutions is the Land Commission established by The Lands Commission Act 1971 (Act 362) following the 1969 Constitution with its functions spelled out as:

The Lands Commission shall hold and manage to the exclusion of any other person or authority any law or minerals vested in the President by this Constitution or any other law or vested in the Commission by any law or acquired by the Government and shall



have such other functions in relation thereto, as may be prescribed by or under an Act of Parliament.

(Article 163(5) of the 1969 Constitution).

The Lands Commission therefore has a wide latitude such as determining fees and forms of land management including the overriding of customary land management systems as highlighted by Section 3 (I) of the Lands Commission Act, 1980 (401) under the 1979 Constitution by requiring that:

"An assurance of stool land to any person shall not operate to pass any interest in, or right over any stool land unless the same shall have been executed with the consent and concurrence of the Commission"

Under this Act 401 of the Lands Commission therefore, customary land transactions are considered invalid unless it meets the concurrence of the Land Transactions. Similarly, the Land Valuation Board and The Administrator of Stool Lands were established by Sections 43 and 48 respectively of the PNDCL 42 of 1986. (Kasanga and Kotey, 2001). While the Land Valuation Board was the Commissioned Government Land Valuer, the Administrator of Stool Lands was to establish and manage stool land accounts.

Other State institutions established are the Land Title Registry, Survey Department and the Department of Town and Country Planning. However, apart from some urban areas like Accra, Tema and Kumasi, the operation of these institutions have had little impact and customary land transactions still remain dominant in Ghana mainly because of the lack of qualified personnel and logistic for these institutions (Kasanga, 1997, Kasanga and Kotey, 2001).

Kasanga (1997) further opines that some of these state institutions tend to overlap in functions to create unnecessary duplications when he declared that

" ... in effect if public and vested lands are managed by the Regional Land Commissions, which indeed and in practice hold all records, the Administration of Stool land" has no real job to do. In any case, the job cannot be effectively done without the support of the



Regional Lands Commission officials. It therefore appears an anachronism to create the Office of the Administration of Stool lands, centralised in Accra. Even if regional offices are created, the officers would be recruited from the Lands Commission - which amounts to a splitting and/or duplication of functions" (Kasanga, 1997:31)

Despite these inadequacies of the state institutions, their intent and operational procedures were parallel to the traditional institutions and land management systems. It is the view of this study that, Ghana's search for security of land tenure would have chalked a higher success, if state institution were to promote documentation of traditional forms of land administration according to the existing cultural practices.

From the forgone discourses of State/Customary land administration relations since colonial era, it can be concluded that

- There was no policy dialogue between state and constituents on land policy options
- State land policies were superimposed on local people for purposes of state benefit rather than for the benefit of the poor and local people.
- State policies evolved to replace customary land regimes and not to build on them
- Customary land tenure regimes survived partly because local people continued patronage of customary land tenure and partly because state policies and institutions were ill-equipped and poorly enforced.



However, the focus this study in exploring continuous dialogue between State and traditional institutions on policy issues so as to arrive at mutually beneficial policy options.

2. 8.2. a Land Title Registration Law 1986 (PNDC Law 152)

The Law is designed to register all land interests in Ghana - Customary law and Common Law and most significantly that interests held by stools, skins, quarters and families should be registered in the name of the corporate group.

Though the law seeks to curtail conflicts and ensure greater land tenure security, it is beseeched with problems:

- o The law is simply an administrative tool and not a land tenure reform. As such, the vulnerable and women rights to land are to be merely recorded. It does seek to make



land tenure secured for the vulnerable In society like the widows, migrants and divorcees.

- In registering stool, skin and family lands in the corporate names only, heads of these institutions can misappropriate the land to the detriment of their subjects. The law should have made provision for a 'Land Committee' for the transactions of such lands (Kasanga and Kotey, 2001)
- The implementation of the law requires high calibre lawyers, surveyors, land administrators, cartographers as well as high precision equipment which are woefully inadequate in the country.

For the reasons above, the Land Title Registration Law had little effect except in urban towns. LAP has as one of its cardinal principles to map out and register all lands in a cadastre in the Country. How different would this approach be in promoting security of tenure for the poor and vulnerable in rural Ghana especially is the core of this study.

2.8.2b 1999 National Land Policy (NLP)

The 1999 National Land Policy (Amended in 2002) is Ghana Government's land policy meant to stimulate economic development, reduce poverty and promote social stability by improving security O f land tenure, simplifying the process for accessing land and making it fair, transparent and efficient, developing the land market and fostering prudent land management (World Bank, 2003).

The NLP is therefore a poverty reduction measure for the growth and development of the country through security of land tenure and sustainable resource use as it

"aims at the judicious use of the nation's land and all its natural resources by all sections of the Ghanaian society in support of various socioeconomic activities undertaken in accordance with sustainable resource management principles and in maintaining viable ecosystems '(Ghana, 1999:06)

The specific objectives of Government of Ghana (GoG)'s amended land policy (2002) are to:

- (a) Harmonize statute and customary laws to facilitate equitable access to and enhance security of tenure of land through registering systematically all interests in land
- (b) Create and maintain effective institutional capacity and capability at the national regional district and where appropriate, community levels for land service delivery
- (c) Promote community and participatory land management and land use planning within a decentralized planning system
- (d) Minimize and eliminate where possible the sources of protracted land boundary disputes conflicts and litigation in order to bring their associated economic costs and socio-political upheavals under control
- (e) Formalize land markets where appropriate and instil order and discipline to curb the incidence of land encroachment, unapproved development schemes, multiple or illegal land sales, undue land speculation and land racketeering.

Evidently, this policy is essentially a state administrative reform policy aimed at strengthening state land agencies for curtailing land conflicts through land titling and registration. Its main target is to ensure that land tenure is secured enough to attract foreign investment. The policy is not explicit in promoting pro-poor security of land tenure for majority of the rural poor whose main source of livelihood is depend on land. Ghana's poverty is largely a rural and women phenomenon (GPSR I &11); the core of which is the lack of access to fertile land and farm inputs. Explicitly charting a way forward to making land more accessible to the poor and empowering them to use land sustainably would have been a sure way of stimulating economic growth and self-reliance.

Secondly, it does not seek to build on the existing land tenure systems of the people but a shift towards private ownership and control of land. The insistence of title registration needs to be examined critically as most land title registration exercises in Africa have excluded most poor and vulnerable through its cost, bureaucracy and 'the arms of the rich' and does not necessarily have the 'collateralisation effect'. (Wiley, 2006; Deininger, 2003; Cotula et al 2004; Cotula et al., 2006). Land title registration could lead to the dispossession of the poor's already fragile lands to rich and foreign investors perpetrating the poverty situation in the country.

How would the land rights of the poor and vulnerable be protected or better still be improve under a policy that emphasises land title registration and land individuation?

2.9 GHANA'S LAND ADMINISTRATION PROGRAM

(LAP) 2.9.1 Nature and Scope

The Land Administration Program (LAP) is Ghana Government's long term (15-25 year Program) land administrative program. Its goal is as to:

'reduce poverty and enhance economic/social growth by improving security of tenure, simplifying the process of acquiring land by the populace, developing the land market and fostering prudent land management by establishing an efficient system of land administration both state and customary,' based on clear, coherent and consistent policies and laws and laws supported by appropriate institutional structures' (Ghana/Ministry of Lands and Forestry. 2003:05; Mahama, 2003).

The long-term program intended to result in:

- A clear, coherent and consistent set of land administration policies and laws;
- A clear hierarchy of customary land holdings and capacity to dispose of land which will lead to a
- Formal recognition of the rights of all categories of land holders and facilitation of recording of these
- Rights in an enhanced and decentralized land administration system;
- An efficient decentralized land administration system operating throughout Ghana In accordance with
- Government policy and compatible with cultural usage and responsive to the needs of the people,
- Within a self-sustaining financing mechanism;
- An up-to-date, efficient land information system that supports good land records management and
- Transparent transactions in land; and
- A well functioning land market operating in both urban and rural areas.



LAP is within the context of the NLP and is to be operated on four components as follows:

Component 1: *Harmonising Land Policy and Regulatory Framework for Sustainable Land Administration*

Component 2: *Facilitating the Settlement of Land Cases and Developing Alternative Land Dispute*

Component 3: *Development of Cadastre and Land Information Systems*

Component 4: *Project Co-Ordination, Monitoring and Evaluation*

LAP is largely supported by the Ghana's development partners from the Western world and Institutions; including the World Bank and is to be operated in 5-year project modules. The first Project (Land Administration Project - I) and has the following financial support:

Table 2.2 Donor Agencies' Contribution to LAP

Development Partner	Appropriate Contribution	Type of Support
International Development Agency	US\$ 20.5 m	Soft Loan
British Department For International Development (DFID)	US\$ 9.0 m	Grant
Nordic Development Fund (NDF)	US\$7.0 m	Soft Loan
Kreditanstalt Fur Wiederaufbau (KfW) of Germany	US\$ 6.0	Soft Loan
German Technical Assistance Corporation (GTZ)	US\$ 4.0 m	Grant
Canadian International Development Agency (CIDA)	US\$ 1.0 m	Grant
Government of Ghana (GoG)	Financial GAP	
Total	US\$ 55.5 m	

Source: Ministry of Lands and Forestry/LAP Implementation Manual for LAP-I (2003-2008)

LAP therefore has enough funding to carry out its activities. The novelty of LAP is that it tends to research and implement suitable land administrative policies by its learning-by-doing approach and also its purported intention of strengthening Customary Land Administration



(World Bank, 2003. Antwi, 2006). I discuss in the ensuing some pertinent issues I find as the pillars of LAP.

2.9.2 Institutional Reform and Development

LAP, to a large extent, is a land administrative policy than a land tenure reform policy.

Karikari (2006:4) observes

'that the land sector agencies are presently bedevilled with poor remuneration, poor conditions of service and inadequate logistics; lack of transparency in work processes, slow and cumbersome land manual land procedures, poor records management general lack of expertise and poor collaboration and cooperation between the agencies '

To overcome these inadequacies, LAP intends to fuse all the Six (6) main state land agencies under one umbrella and then make it decentralised at local levels in order to make land administration output and client oriented. LAP also intends to strengthen customary land administration and some private land institutions to enable them deliver effective land services (MLF, 2003). A Bill has already been formulated by Cabinet through the Ministry of Lands and Forestry and it currently before Parliament for enactment to that effect.

It is hoped that this administrative reform will serve as a One-Stop-Shop land services to spare clients the burden of journeying through various land agencies. In this way land registration and titling would be efficient and attractive to many.

As much as possible, land administrative services would be decentralised and one-stop shops and Village Land Committees established at lower levels to deliver land services to all.

LAP is therefore first an institutional reform policy on which the other components would be accomplished. The Institutional Reform and Development component of LAP receives US\$29 Million of the US\$ 55 Million earmarked for the LAP-I Project (MLF, 2003). The strengthening of both formal and customary institutions and the need to explore clear cut collaboration points is indeed necessary for a mutually beneficial land administration system. It is the hope of this study



that Customary Land Secretariats would not be subsumed into state institutions and carrying out state land dictates but would be supported in promoting and developing community desired land management systems.

2.9.3 Customary Land Secretariats (CLS)

The strengthening of CLS subcomponent of LAP is sponsored by DFID with the following expected outputs as outlined in its Manual (Toulmin et al, 2004):

- a. CLS established and/or strengthened in pilot areas, in partnership with government land sector agencies;
- b. Improved quality of records and accessibility of information at CLS level on land use and holdings, land transactions and availability, and associated financial and cadastral records;
- c. Improved CLS accountability, in line with the Constitutional provisions, in a way that protect the rights of land holders within their communities, recognises the community interests in land management and provides an effective interface with democratic local and national government
- d. Policy development better informed. The implementation of the Land Policy by way of the LAP will involve further policy development in order to realise its key goals. The information that this component generates, in relation to CLSs will be actively managed in order to ensure that the process can be developed in the light of the best possible knowledge.

With these objectives above, the Customary Land Secretariats are not just to document and/or develop customary land practices in their communities but also to facilitate governments to demarcate and register lands in cost effective ways. CLS officials would not be accountable to the constituents, Skin or stool, or family but to the State (Constitution). Arguably, LAP's establishment of CLS is to court the cooperation of traditional institutions to facilitate in its long term objective of creating land markets through land titling and registration because they still control about 80% of land transactions in the country. It is not enough an opportunity for traditional institutions to ladder in the complexities and multilayered interests of the various customary tenures. CLS would then be scrapped after the successful land registration.





Antwi (2006:5) however asserts that the CLS is an opportunity for small landholders to benefit when he argued that;

' .. .In the event of evolution of operational and pervasive land markets, small holders under CLS regime stand a chance of benefitting from commercially transacting land rights. In circumstances of improved records and knowledge of rights assignments, rights are rendered secured, transaction costs are minimized, and owners would possess superior information to take decisions that are expected to improved their lots/rom trading their lands '.

LAP's decision to deal with Chiefs alone through the National and Regional Houses of Chiefs raises concern for this study. First, Chiefs are not allodial owners of the Land in most of the Upper Regions but the *Tindanas*. There is therefore the possibility that but for places where there are Village Land Committees; Tindanas may be secondary implementers as they may not part of the discussions at the Houses of Chiefs. At any rate, care must be taken in dealing with Chiefs and other traditional institutions for fear of abrogating community lands to themselves (Firmin-Sellers, 1996). Chiefs in the Upper Regions may take advantage of the situation to exploit their subjects and also go into conflict with the Tindanas and family heads. The ensuring of security of land access, ownership and control of land for women and migrants is still a challenge even under the CLS of LAP.

2.9.4 Demarcation and Land Title Registers

The end result of LAP is to demarcate and register all lands in the country. As such its Subcomponent 3.7

'to develop field proven, efficient transparent and community accepted procedures to define and demarcate the boundaries of stool/skin, Tindana, and family lands, register the rights to these lands and establish with certainty the root title to Ghana land'

Specific objectives are:

- Efficient and cost effective methods of boundary demarcation with defined standards of survey and boundary demarcation;

- A community participation program to maximize inter-stool and intra-stool consultations and active participation in the demarcation process;
- Create a system for effective mediation of boundary disputes through community participation;
- Registration of agreed allodial rights; and contributions to the development of transparent systems for the management of stool/skin, Tendamba and family lands which are not subject to individual freehold or usufruct, such as for forested areas, administered directly by chiefs as trustees.

This confirms LAP's stance as a land titling and registering program.

2.10 COLLABORATION BETWEEN MODERN AND TRADITIONAL INSTITUTIONS IN LAND ADMINISTRATION

This study agrees with North (1981:202) that, an institution is "a set of rules, compliance procedures and moral and ethical behavioural norms designed to constrain the behavior of individuals in the interests of maximizing the wealth or utility of principals." Institutions however can be formal or informal. Bacho (2004) defines such formally created institutions as constitutions, statutes, common laws and governmental regulations, which are externally enforced. Formal institutions are established by the use of forces external to a given community or group of people, and are characterized by functional and structural arrangements that are fairly standard (Appiah-Opuku, 1997, Bacho 2004; 2005). Formal land institutions are the state land agencies like the Lands Commission, Town and Country Planning Department and the Survey Department established by laws. These institutions are opposed to informal institutions that are socially accepted structures and principles patterned by the norms, conventions, traditions and customs, language and culture of a people handed down to them from generations and history (Goodin, 1995). These informal institutions in land administration involve institutions like the Tindana, Chiefs and Family heads.

In this segment, the study investigates how the two sets of institution have been collaborating for ensure the land tenure security of their constituents. It starts with the structures of both the formal and traditional sector land agencies.

It is therefore not surprising that bureaucracy and delays typify these institutions (Karikari, 2006). State agency officials when interviewed blamed the public perception of delays to the lack of qualified technical staff, logistics and poor remuneration. One of the officials remarked that

There is no agency in this region especially that is adequately equipped with both staff and logistics to carry out its mandate. We are all doing our best with obsolete tools. Besides land issues need a lot of circumspection and we need some time to do that to avoid creating confusion among land users.

The public on the other hand classify state land agencies as very corrupt and lazy officials. They accused them of unwarrantedly charging exorbitant fees for their services. The bureaucracy and delays, they argue are intentional to make in order to force clients to pay their way through.

Be as it may, LAP intends to foster greater collaboration state land agencies by the establishment of the One-Stop-Shops.

The bureaucracy of these state agencies, coupled with the perceived high cost of land services and corruption accounts for the poor land registration in the region.

Poorer groups would like to women and migrants prefer to continuously renegotiate their land security through social networks than formal titling.



2.10.3 State Institutions and Land Tenure Security

Interview with the Regional Lands Commission Officials in Wa, have it that: the state institutions' methods of ensuring land security are through Deeds, Land Declaration and Statutory Declaration. Details of these forms of ensuring land tenure security and their suitability for the poor and vulnerable are discussed below:

2.10.3.1 Deeds or Land Lease

Deeds are the most common form of ensuring land tenure security by the state agencies in the region. It involves the mapping out of land and the issuing of a lease for 99 years to an individual or a corporate body. In issuing of the lease in the region, the landlord and the Tindana are normally the signatories after which the state seals it to become a legal document. State agencies perceive the deeds as a better way of ensuring land tenure security because of the statutory backing and documentation.

Land leases are property rights and can then be used to raise capital for development (Do Soto, 2000).

2.10.3.2 Land Titling

Land Titling is even perceived to be a stronger land security measure. It involves the publishing of the leases/deeds in a National Daily for at least three (3) consecutive times and making it as public as possible. If after 21 days of publication no counterclaim is made, a Land Titling Certificate is made in the name of the owner.

Land titling is expensive in both cost and time. These costs involve the cost of publication and titling.

2.11.3.3 Statutory Declaration

Statutory Declaration is issued for lands with tracks of land of 50 acres and above under Statutory Declaration Act 1971 (Act 389). It is therefore issued for family lands, community or skin lands. In declaring such lands a survey of the lands are done and the declaration made and published three times in the National dailies and others places. If after 21 days no counterclaim is made, the declaration is sealed in the name of the applicant.

Statutory land titling and ownership to individual and corporate bodies is seen by proponents of neo-liberal development as a primary step to be taken in order to develop a land market which will, by the magic of market forces, lead to a more efficient commoditization of agriculture and the use of land as collateral (Birgegard, 1993; Do Soto, 2000; World Bank, 2003). Findings in

Africa have also ascertained that statutory land titling is not necessarily a panacea to the slow economic growth and development (Migot-Adholla, 2000; Bromley, 2007).

Bromley (2005) in comparing land tenure securities in statutory and customary regimes notices the poor are often in a dicey situation. He observes that:

"the issuance of formal title to the poor means that they must now decide to exchange their embeddedness in one community for an embeddedness in another community. In the absence of



reasonable assurance that the new community (the government) can offer more effective protection than the current one, the switch may not be obviously superior" (Bromley, 2005:7).

In addition to Bromley's view, the procedure in getting formal titles is cumbersome and expensive the rural poor. Apart from the regional capital, Wa, the Lands Commission and the Survey Department which are key in land title registration have no offices in the district capitals.

This means rural people must make the difficult effort of repeated journeys from his community to and from Wa, the Regional Capital, as well as paying for the cost of transporting state land agents and their equipment to and from his/her site. In addition, he has to pay for the cost of surveying and the title.

This makes formal land titling inaccessible to the rural people.

Disputes arising from land statutorily registered would need to be resolved by the State Law Courts which are expensive and slow. Thus confirming the views that land statutory land tenures are for the higher income people (Wiley, 2007; Tuolmin, 2007; Paiteau, 1996)

2.10.4 Formal Institutions and LAP

All state land agencies interviewed have some reservations about LAP. The general views are presented below:

- There is a general poor involvement of local government agencies in the implementation of LAP. Despite the operationalisation of LAP, local government agencies are still carrying on their duties as usual with no special regards to LAP. The agencies advocated for more participation of local agencies' staff in LAP's activities. At the time of the interviews, LAP was being operated from the Town and' Country Planning Department with the regional Director being the Regional LAP representative.
- There was also a concern that land boundary demarcation should not be wholly given to LAP as it is done now. Local state agencies should partner with private consultants to do the demarcation.

The agencies believe that their increased involvement and actual decentralisation of LAP would lead to a quick and efficient realisation of the objectives of LAP.



review regional lands issues. The effects of this bought however is not felt in policy dialogue between state and local community.

2.10.8 Conclusion

Land tenure security measures needs the active collaboration of all interest groups and power bearers of land administration and management. Therefore, institutional linkages are indispensable in ensuring the operation of a land administration system that is beneficial to all.

Institutional linkages in the traditional set up were relatively stronger than that of the formal sector. In the traditional sector, the communal land holding system and the role of the Tindana as earth priest fosters collaboration than in the formal sector.

In the formal sector, compartmentalisation of offices to into specialised offices makes interaction between them mundane. There is poor coordinating between state institutions at the regional level. The state institutions are also operating from three (3) ministries. State land agencies are felt only in urban areas and rural lands are administered by traditional institutions.

Linkages between state and traditional institutions especially in policy formulation are poor towards ensuring land security is crucial.



2.11 MARGINALISED GROUPS AND LAND TENURE

Vulnerability is a state of deprivation based on poverty or lack of enjoyment of rights and entitlements; it is therefore multi-dimensional. It leads to the exclusion of disadvantaged groups of men, women and children and persons with disability from active participation in the economic, political and social life of their society, leaving them with little or no defence against exploitation and risks (GPRS 11:01).

In this section, I examine the relationship between land tenure and vulnerable groups such as women, widows, the poor, migrants and the youth.

2.11.1 Gender, Women and Land Tenure

In Ghana, as in many African countries, gender and kinship relations play a central role in the way in which land rights and production relations are determined. Under customary land tenure systems, control over resources generally follows clearly defined gender-segregated patterns based on traditional norms, which operate in such a way as to limit the land rights of women as compared to men (Runger, 2006; Wheathead and Tsikata, 2003; F AO 2006). This view collaborates with Awumbilla's (2002:45) observation of the upper regions that

'Women's access to, ownership and control of productive resources are... to a large extent, determined by kinship systems headed by men in the families, and customary laws, norms and practices that give them control over land, the allocation of land and other resources owned by the family'.

In spite of this poor land tenure structure, women contribute significantly to the agricultural production and are themselves the worst victims of poverty the world over (HDR, 2003; F AO, 2006). F AO (2003 :09) therefore stresses that:

There is a need for land tenure policy frameworks that explicitly address gender inclusiveness access to land. Without gender inclusiveness, important segments of the society may be excluded from the benefits of land administration, management, and development schemes.



Under both customary and statutory law, the vast majority of women in sub-Saharan Africa depend on men to own or inherit land, housing and other property (Scholtz and Gomez, 2004). Land title registration alone does not guarantee women security to land tenure as it merely registers existing land holdings. Also high cost of titling and registration also deprive most poor and vulnerable from land title registration (Wiley, 2007; Deininger, 2003; Cotula et al 2004; Bromley, 2007).

LAP by far is not gender sensitive as it is merely a land administrative program intended to strengthen land institutions to demarcate and register all lands in the country in a cadastre. The search for a gender sensitive and a pro-poor land tenure security policy is the main substance of

this research. It is the view of the study that community driven land administration systems would be a better approach to ensuring security of tenure for the rural poor.

Indeed, I conclude with the GenderNet (2006: 15) of the Economic Commission of Africa that

Unless new forms of registration recognize multiple as well as overlapping claims to land, the process is doing no more than reinforcing/institutionalizing a system of male-dominated control over land. It is critical that new forms of titling/registration programmes take into account the much-needed social transformation in favour of empowering women's land rights.

2.11.2 Widows and Land

Flowing from the above, the situation of widows is even more vulnerable. Customarily, women's access to land in her biological home ceases upon marriage and she now assumes access rights in her husband's home. This right to land in her husband's home also ceases upon the death of her husband or divorce. Runger (2006:05)

While according to customary law principles each subject of a lineage, regardless of sex, has an inherent usufructuary right of access to land of his or her community, in practice women's access to the usufruct is affected by a number of factors including patterns of marital residence, land scarcity, production relations and gender bias in the size of land given to women among some groups, the most crucial determinant being the sexual division of labour and the organization of production in both patrilineal and matrilineal areas.

Laws and institutions like the Intestate Succession Law (PNDC Law III) and The Ministry of Women and Children Affairs, which was enacted to protect widows especially from being dispossessed of their property if their husbands become deceased intestate is inadequate in guaranteeing women's land rights because of poor awareness of the existence of the law, societal pressure and the high legal fees involved.



Matashane-Marite (2005) therefore concludes that this dicey of women is a serious impediment to the economic development of women especially under the customary law regime when she declared that:

Under customary law a woman before marriage is under the guardianship of her father upon marriage her husband takes over guardianship from her father and upon his death her guardianship is transferred to his heir. What this means is that under customary law a woman does not have full rights as a person as she has to be assisted in situations where she wants to improve her economic status or engage in civil litigation (MatashaneMarite,2005:3)

The situation is not different with statutory land regimes which emphasis land title registration. This is because most land title registration regimes merely register existing male-dominate land ownership and not even secondary land users who are mostly women (GenderNet, 2006). LAP as a program is no exception as it has not land tenure reforms that specifically target women and the poor in the access, use and control of land.

Women's access to land would therefore depend on the benevolence of her sons, brother-in laws and uncles (Awumbilla, 2002); the situation of widows is even more precarious. As such, female-headed families are among the most vulnerable in the society.

Dei (1994), notes that, to avert this bleak situation upon widowhood, women in matrilineal communities prefer to cultivate on their natal farms instead of on their husbands' farms.

2.11.3 Migrant/Settlers and Land

Migration is the movement of people from one place to another in expectation of better livelihood opportunities (Todaro and Smith, 2007). In rural areas, access to and control of productive land resources are major determinants of the livelihood opportunities in these areas and therefore the decision to or not to migrate. For migrants, their access to and control of land and land resources are determined by the land tenure system of the area of their destination.

Migrants, who are mostly poor too, are therefore vulnerable because they depend on the benevolence of the land owners of their destination areas and their land tenure systems for land needs.

How will LAP ensure the security of tenure of these vulnerable people, who need land badly to free themselves from the fetters of poverty, is the contention of this study.

2.11.4 The Poor and Land

Land is a very strategic socio-economic asset, particularly in poor societies where wealth and survival are measured by control of, and access to, land (USAID, 2004). Large numbers of the world's poorest people, especially in Asia and sub-Saharan Africa, live in farming households and depend on it for their livelihoods and food security on the productive use of land. In almost all developing countries, agricultural productivity makes a major contribution to growth, employment and livelihoods (DFID, 2002).

In rural areas especially, poverty is a result of landlessness or one's inability to get access to fertile land for the agricultural purposes on which many rural folk depend for livelihood support. Will LAP be able to protect/enhance the poor's access to Common Pool Resources such as rangelands, water bodies as well as wild fruits and fuel wood sources on which many of these poor depend on?

2.12 Conclusions

The literature reviewed shows that there are different perceptions of land and also different land tenure security measures. It also demonstrates that, various governments' attempts in ensuring land tenure security since colonialism have been mainly through land title registration. However, land title registration as a land tenure security measure by the government was geared towards ensuring the land tenure needs of private foreign investors and higher income urban dwellers than rural poor who still depend on the customary land tenure system. The study sets itself to investigate the various perceptions of land and land tenure security and to find out whether LAP's envisaged measures would fit the land tenure security needs of the poor and marginalised in the Upper West Region.



Chapter Three (3)

3.0 RESEARCH

METHODOLOGY 3.1

Introduction

This Chapter provides an outline of the "what", "how" and "why" of my data collection, analyses and presentation processes. A Mixed Research Design (2007) was adapted after a brief discussion on the advantages and suitability of the quantitative and qualitative approaches to social research. Yin (2006)'s multi-case study approach was further adapted based on its suitability and three (3) study areas purposefully selected based on the peculiarity of each case's land administration. The various methods and techniques of data collection and analyses as well as the rationale for their choices are also explained here. I conclude with a diagrammatic illustration of my research journey.

3.2 The Research Approach

Researchers and academicians have both accepted the fact that quantitative and qualitative methods of enquiry can be used complementarily in social research (Neuman, 2003; Bryman, 2001; Hakim, 2000). Indeed, Hammersley (1992) rightly argues that the qualitative-quantitative divide is artificially polarized, disguising both methodological similarity and diversity in consequence. Schwandt's (2000:210) also asserts that

All research is interpretive, and we face a multiplicity of methods that are suitable for different kinds of understanding. So the traditional means of coming to grips with one's identity as a researcher by aligning oneself to a particular set of methods ... is no longer useful. If we are to go forward, we need to get rid of that distinction.

In line with Schwandt's view, I adopted a Mixed Research Design which has been defined by Johnson et al., (2007:123) as

... the type of research in which a researcher or team of researchers combine elements of qualitative and quantitative research approaches (eg use of qualitative and quantitative research viewpoints, data collection, analysis, inference techniques) for both broad purposes of breadth and depth of understanding and corroboration



This complementary use of approaches makes data richer and more public worthy.

While quantitative research mainly involves surveys and experiments for data collection and mathematical analysis and presentation of issues in the form of percentages, tables and distributions etc, qualitative research is more explanatory and descriptive. Summarily, qualitative research refers to the meanings, concepts, definitions, characteristics, metaphors, symbols, and descriptions of things while in contrast quantitative research deals with the counts and measures of things (Brockington and Sullivan, 2003; Mayoux, 2006; Berg, 2001).

This study used both methods so as to benefit from the advantages of both methods. For, social phenomena are better investigated, if both methods are used effectively (Strauss and Corbin, 1990; Neuman, 2003; FHI, 2005).

While quantitative approach in the form of structured questionnaires were used to collect data, and quantitative data analyses were done by the use of the Statistical Package for Social Sciences (SPSS) pertaining to demography, correlations between variables and anything quantifiable, qualitative data collection and analyses provided in-depths into the what, how, when and why between the study variables and issues within the socio-cultural contexts of the areas. This made the analysis of data more comprehensive and informative.

The study however has been more inclined to the qualitative approach because it focused on three (3) case study areas for the explanation of the issues in their socio-cultural contexts. The option to lean more towards qualitative research is because qualitative research permits the researcher:

'to wear wider lens spectacles that enable him to see both context specific issues and the phenomena as it exists and functions within each individual community environment and in relation to other on-going phenomena' (Bacho, 2001: 78/79)

3.3 Research Location

The research location is the Upper West Region of Ghana and focused on three (3) communities (One each in three (3) purposively selected paramountcy cases) in the region for in-depth studies and to make inductive analysis therefrom.



The Upper West was purposively chosen because it is largely a rural and agricultural region with about 80% poverty rate (Songsore and Denkabe, 1995; Upper West Regional Co-Ordinating Council, 2006).

The paramountcies were chosen because of their peculiar socio-cultural set-ups. In land administration systems as discussed in my research design.

Analysis would be case specific after which a cross-case study analysis would be done in the three case studies to make the findings applicable to the Upper West region.

3.3.1 Geographical Location and Physical Characteristics of Study Region

The study area is the Upper West Region. It covers a geographical area of 18,476 sq. km. which constitutes 12.7% of the total land area of Ghana with a population estimate of 638,498 persons as at 2006 of which 89% of the of depend on subsistence food cropping as the predominant occupation (Songsore and Denkabe, 1995; Kunbour, 2003; Upper West Regional Co-Ordinating Council, 2006).

The region lies within the guinea savannah belt. Rainfall patterns in the region is not only characterised by seasonality but also by variability and unreliability. (Dickson and Benneh, 1970; Songsore and Denkabe, 1995).

Though the region has a relatively low population pressure on land (except the north western corridor along the Hamile/Wa axis), there has been a recent rise in land conflicts (Kunbuor, 2003).

Three (3) communities were purposively selected for the study because of their peculiarity in land administration. These communities are Dorimon, Sankana and Tabiase. Detail reasons for their being selected are entailed in ensuing of this chapter.

3.4. Research Design

The research design is a Mixed Method Research approach but more inclined to qualitative than quantitative research. Elaborating the essential features of qualitative research, Flick (2002:5) outlined the following:

- The appropriateness of methods and theories
- Perspective participants and their diversity
- Reflexivity of the research and the research
- Variety of approaches and methods in qualitative research

In line with the above, the research has opted for a multiple case study involving three case study paramountcies as identified by a preliminary investigation on the topic in the region. Multiple case study method is adopted because according to Yin (1993: x) case studies are appropriate when investigators desire to:

- a. Define topics broadly and not narrowly,
- b. Cover contextual conditions and not just the phenomenon of study, and
- c. Rely on multiple and not single sources of evidence.

Yin (1993)'s views as outlined above, coincide with the intentions of the study. Broad issues such as the relationships between Land tenure, poverty and LAP in the socio-cultural contexts of the study communities were examined using various case study (qualitative) methods.

Preliminary studies conducted prior to this study have revealed three contexts in which the topic can be studied in the region. These contexts are the varying cultural and socio-political land management and administration practices in the region. They are:

1. Communities with some form of collective action in land administration like the Water Users Association (WUA) of the Sankana irrigation area.
2. Communities with very little interference in its indigenous land administration system like the Dorimon Traditional Area The Dorimon traditional area is also of particular interest because unlike the two other case sites, chieftaincy and the office of the Tindana are fused in many areas of the traditional area. This is because, the Chief in many areas of the traditional area is also the Earth Priest (Tindana)



3. Communities which have been piloting the Land Administration Project activities like Tabiase.

Based on these preliminary findings the following case study areas have been identified,

3.4.1 Case Study Areas

i) Dorimon Traditional Area

My quest to identify an area where land administration is still much indigenous landed me in Dorimon. The area was also chosen as a study area because of its unique indigenous political system that empowers the Chief to be the custodian of the people and the lands in the area of his jurisdiction. Thus there are no separate traditional offices between the chief and Tindana many areas of the traditional area. This is contrary to the widespread belief that customary land administration in the region is characterized by the Tindana complex which operates alongside the chief (Kasanga, 1996; Dittoh, 2004).

The traditional area is also largely rural and about 36 km from Wa, the regional capital with a comparatively denser vegetation cover and more fertile lands than the rest of the Municipality. Unlike Sankana and Tabiase, which have experiences in some dam site land management and the LAP respectively, land administration in Dorimon is still largely influenced by the customary land tenure system. Findings from this traditional area enabled comparison of indigenous land administration with that of the WUAs and LAP.

ii) Sankana Community

Sankana is a community in the Nadowli District of the Upper West Region and about 18 km from Wa, the regional capital. It was purposively chosen as a study community because of its irrigation dam lands management committee. An irrigation Dam was constructed for the community since 1968 and the irrigable land areas are managed by the Water Users Association (WUA).

In this community, the focus of the study would be on the role of WUA as a community association managing community lands, I particularly investigated into the role WUA play in ensuring access to and control of land by the poor and vulnerable like widows,



Findings from this community enabled me to compare and contrast a community-based collective action land administration system with that of a typical indigenous system and the LAP's concept in Tabiase.

iii) *Tabiasi Community*

Tabiasi is chosen because of two main reasons. First, it is a community with the intervention of the LAP's pilot activities since 2003. Under the pilot project, LAP facilitated the establishment of a Customary Land Secretariat (CLS) to facilitate the community lands demarcation and land registration.

Second, it is also a typical rural area where there is little competition for farmlands. It is also believed to be a destination of many migrant/settler farmers from the Nandom-Lawra areas where land is stressed.

Here particular emphasis was placed on the role of LAP as a land security intervention for accelerated development.

In each study area, carefully designed questionnaires were administered to 30 family heads, farmers and other land users.

3.5 Sampling Procedure and Techniques

Sampling is the process of selecting a subset of population for the purpose of study (Panneerselvam, 2007; Dooley, 2007). The rationale is to make generalization or to draw inferences based on the study of the samples about the parameters of population from which the samples are taken (Yin, 2003). Sampling approaches include Probability sampling in which all segments of the population have equal chances of selection normally gotten from a sampling frame (Panneerselvam, 2007, Osuala, 2005) and also nonprobability sampling in which subsets of population to be studied are selected on unequal chances basis like snowballing (Dooley, 2007; Schweigert, 1998). In nonprobability sampling, sampling units are chosen not by chance but for a purpose (Maxwell, 2007)

In this study, a blend of both probability and nonprobability sampling approaches were used as described in the ensuing:



3.5.1 Selection of Study Region and Communities

Purposive sampling is defined by 'Maxwell (1997) as a type of sampling in which, "particular settings, persons, or events are deliberately selected for the important information they can provide that cannot be gotten as well from other choices" (p. 87). Purposeful sampling techniques were used in the selection of the study region. The upper west region was selected because it has the two main variables of the study. These are the rural poor and the activities of LAP. This is because poverty in Ghana is characterized by geographical, occupational and gender dimensions. Geographically, poverty is a rural and a northern Ghana phenomenon, and occupationally affects more crop cultivators than cash crop farmers and while in gender terms; it is prevalent in women than amongst men (Ghana Statistical Service, 2000, GPRS I & II).

The Region is largely a rural region with a poverty prevalence rate of 88%, and majority of its inhabitants are food croppers, who depend largely on land for their livelihoods. (Ghana Statistical Service, 2000; Songsore and Denkabe, 1995)

It is therefore appropriate to be chosen for the study in the relationship between land tenure and rural poverty. It is based on the above that the region was purposively chosen for the study .

❖ *Sampling of Communities*

Case studies are purposive studies to obtain deeper insights into a phenomenon (Yin. 2003). Study communities were purposively selected to reflect cultural, geographical and demographic differences in the areas. Case study communities' selection was guided by a preliminary survey of the region conducted earlier. Interests for the purposive selection of the communities are:

- Indigenous land administration community with very little modifications in the traditional land administration system.
- A community-based association like WUA managing land
- Some communities in the region have been piloting LAP since 2003.

All these peculiarities were captured by purposively selecting the study communities.

Dorimon was selected because of its predominant customary land administration system. While the Sankana and Tabiase communities were also purposefully selected because of the operation of WUA and LAP pilot activities respectively.

❖ *Sampling Units*

Sampling of institutions was purposively selected because of their peculiar roles in land administration. State institutions like the Lands Commission, Land Valuation Board, The Survey Department, Office of the Administrator of Stool Lands and The Town and Country Planning as well as the Regional LAP Secretariat would be interviewed. These institutions are carefully selected because of their various roles in land administration.

On the traditional institutional set-up, Chiefs, Tendembas, Women and youth, migrant leaders were purposively selected for the study.

Household heads were randomly selected for administration of questionnaires.

3.6 Data Collection Techniques

Generally, there are two sources of data collection in social research. These are the primary and secondary data sources (Flick, 2002; Pannervellam, 2007). Both sources were extensively implored by this research. Secondary data sources were used in all stages of the study while primary data were gotten from the field by the techniques discussed below:

• *Questionnaire*



Questionnaires consist of well-formulated questions to probe and obtain responses from respondents (Twumasi, 2001; Karma, 1999; Pannervellam, 2007). They can be divided into structured and semi-structured questionnaires. While structured questionnaires provide predetermined closed-ended answers for respondents to choose from, in semi-structured questionnaires, open-ended questionnaires are used and respondents are at liberty to give any answers. (Karma, 1999; Twumasi, 2001)

In this research, both structured and semi-structured questionnaires were used to ascertain generic views about LAP, tenure security and poverty reduction in the region. Structured questionnaires were used to solicit information from both State and Traditional land institutions. Two questionnaires were administered to two (2) personnel each of the LAP secretariat, Lands Commission, Survey Department, Land Valuation Board, Department of Town and Country planning as well as traditional land institutions like Chiefs, Tendema, Elders and opinion leaders. The use of structured questionnaires was supplemented by open-ended questionnaire for heads of both formal and informal institutions to get deeper insights from them on land tenure issues.

Household Heads were also administered with both the structured and unstructured questionnaires in study communities. For the purpose of this study, a household is;

"a person or group of persons who live together in the same house or compound, share the housekeeping arrangements and are catered for as one unit." (Ghana Statistical Service, 2005).

In all, 119 structured questionnaires and 30 semi-structured questionnaires were administered in the study.

• *Appreciative Enquiry*

Appreciative enquiry is a unique life affirming research method and technique of data collection based on the principle of participation, collaboration and provocative prepositions (Elliott, 1999) which seeks to build on the strengths of a group based on the four (4) Ds Cycle of Discovery, Dream, Design and Destiny (der Haar and Hosking, 2004; Murrel, 1999). In this research, it was used as a data collecting technique in both formal and informal land institutions to solicit the institutional strengths, potentials and aspirations in land security and poverty issues in the region. Positive prepositions were used in this direction.

In Tabiase, where LAP has operated since 2002, appreciative enquiry was used to assess community's perceptions of the Customary Land Secretariat (CLS) concept of LAP especially as well as the other tenets of LAP as suitable land tenure tool for smallholder farmers, pastoralist and migrants and women.

• *Focus Group Discussions (FGDs)*

Focus Group Discussions (FGDs) are deep interactions with people of a homogenous group of between 6 and 12 persons, which enable the researcher to obtain information in a particular area of interest that would be difficult if not impossible to obtain using other methodological procedures. (Krueger, 1998; Kumekpor, 1996). It allows the researcher greater insights into why people think or hold certain opinions. Krueger (1988: 18) outlines the features of a FGD as interviews:

- With people numbering between Seven (7) and 12 (Twelve) who



knowledgeable informants and finding out why informants agree or disagree on issues on the subject matter (Bernard, 1990).

Quantitative data analyses were done using a Statistical Package for Social Sciences (SPSS) software version 15.0 to draw correlations and other statistical relationships between variables in the structured questionnaires used especially. SPSS is used because of its clarity in expressing quantitative relationships between variables in the forms of graph, frequencies, percentiles, cross-tabulations among others (Leech et al. 2005).

These quantitative analyses from the SPSS are then further explained by qualitative interpretations such consisting informants' interpretations in the form of stories, beliefs, experiences and their general perceptions from their worldviews.

Data analysis was not a separate stage after data collection in the research process, but a continuous and simultaneous process (Yin, 2006). There were therefore debriefing after each day's data collection to find emerging trends and relationships. This is because, I adapted de Vries (1991) style of recollecting the day's field activities, consisting of conversations, interviews and events recorded and try to connect the bits and pieces if any. Issues which required further probing were investigated further while on field. Before leaving a case site, key issues were presented to a cross section of the population for validation. Cross-case studies analyses would however be done after field work.

Similarly, imputations of quantitative data from questionnaire were done weekly on the field while statistical analyses of data were done on return from the field.

3.8 Quality Control for Data Reliability and Validity

Validity is the extent to which a measurement technique measures what it purports to measure. That is the appropriateness and usefulness of the specific inferences. (American Psychological Association, 1985; Schweigert, 1998). To ensure reliability and validity, the mixed methods approach as well as a multiple data collection method is adopted to triangulate issues. In addition, daily recap, of main issues and follow-up on issues of controversy on field, as well as



validation of main findings in the case study community are all to ensure that data collected are valid and reliable.

The research was cognizant of the sensitivity of land issues and as such developed a strong rapport made with community leaders and elders on the purpose of the study. Research field assistants consisted of people who know the terrain and culture of the people in the various communities well and were also well trained for the tasks.

- ***Data Management***

Secondary data collected were photocopied and securely put in files while soft copies were saved in different computers as back-ups. Daily Summaries out of key issues from the field were typed out and saved with back-ups on computers.

Field notebooks were kept safely and respondents' information catalogued for easy retrieval. Computer entries were made weekly from the structured questionnaires into the SPSS data base system.

3.9 STAGES OF RESEARCH

- ***Reconnaissance Stage:***

This stage involved reading and discussing broad issues on land and poverty which afforded the opportunity to choose both the topic and the study area. It is at this stage that I made preliminary visits to some communities which culminated in the choosing of the study communities.

It also included the writing of the research proposal and data collection instruments as well as pre-testing of the instruments as well as the review of literature.

- ***Main Survey Stage:***

The main Survey stage involved the actual collection of data from study communities and institutions. It was essentially the primary data collection stage but it also included preliminary data analysis in the form of daily field data collection debriefing and summaries.

- ***Analysis Stage:***

This is the stage where all data collected were systematically analyzed to bring to light the relationships between the various variables in the study. Qualitative data collected were coded and inputted in the Statistical Package for Social Sciences (SPSS) for analysis.



Primary data were organized into themes according to the objectives of the study for analysis and presentation.

3.10 DEPARTURE FROM RESEARCH PLANS AND LESSONS LEARNT

3.10.1 Modifications

The modification of the research design was with the selection of the study communities. The study had previously planned the study the whole of Traditional Area of Dorimon. However, in discussing with the Dorimon Naa (Chief of Dorimon), it was discovered that the Paramountcy was large with many dispersed divisional chieftaincy areas which I could not cover. Besides, there were land conflicts in some areas for which he did not advice the study to be carried out there. Studies in the Dorimon Traditional Area were therefore limited to Dorimon and Nyagle and not the whole paramountcy as planned.

The planned focus group discussions with heads or representatives of both state land agencies and traditional land institutions could not be achieved. State land institutions could not be interviewed in a focus group. Instead indepth interviews were done for only four state agencies. This was after many appointments were booked and could not come off because of one reason or the other.

Some questions were not rightly ticked during their administration by some field assistants were detected during the daily resumes. These questionnaires were removed from the sample and where possible were replaced with rightly answered questionnaires. The planned sample size of 125 questionnaires was not met. Instead, 119 questionnaires were administered.

3.10.2 Lessons Learnt

The first lesson is that, research is a continuous process of planning and re-planning. Though the research design was carefully done, it could not be carried out to the latter because of the above reasons. Desk/office plans may need some modification on the field.

Triangulation of data collection is useful as it helps in cross-checking inconsistencies of data.



Daily reviews and summaries of field work are important in checking inconsistencies of data.



Chapter Four (4)

Main Findings and Discussions

4.1 Introduction

This chapter analyses and presents data collected from the three (3) case study communities. Data collected from surveys were analysed using the SPSS version 15 in the form of tables and diagrams. Interviews and discussions held on study objectives are also presented here. For clarity in data presentation and analysis, data is organised in sub-themes in line with the study objectives. These are the socio-demographic characteristics of respondents, perceptions of land and land tenure security, appraisals of the WUA of Sankana and the LAP Secretariat at Tabiase. State-traditional institutional relationship was also examined in the context of providing tenurial security rights for the poor.

4.2 Socio-Demographic Characteristics of Respondents

In this segment, socio-demographic characteristics of respondents derived from the structured questionnaires administered are presented. It consists of their age, sex, social status, education and occupation which are analysed in the context of the study.

4.2.1 Age and Social Classification of Respondents

During the preliminary survey phase, it was realised that age was not as important as one's status with regards to land. What was more of substance was as to whether one belonged to the families of the Chief, Tindana, or a migrant into the community or an indigenous family. It is within these classes that the roles of the various age groups are then appreciated. For the purposes of this study, ages were grouped as

4.2.1a. Young Adult (*Polle*): 16 to 25 Years

Young adults in traditional land administration are mainly young men who have been weaned or graduated from farming with family adults to farming alone. The Dagare term is *ogre*. They are normally young family heads with relatively smaller household size of 4. Though they are usually given portions of the family lands to farm on; they are still considered amateurs whose



views are normally not taken too seriously in family lands administration. They are, however, still expected to be fully educated on all family land transactions, borders, gods, taboos and are invited to be a passive participant in all land issues. This group of people normally cannot appropriate land, not even the portion given to them to farm and raise their nuclear families. Their suggestions and views are normally channeled through an adult to the head of family.

4.2.1h. Adults: 26 to 59 Years

These are considered fully grown men who have imbibed most of the traditional and family tenets of land and can be considered as professionals qualified to be spoken to in land transactions. They are normally men who have stayed longer in the community to know all the family lands, demarcations, secrets, taboos, gods and who are older enough to witness or hear of previous land transactions. They are however not authorities but wield a considerable wealth of knowledge in their respective family affairs. It is for this reason that 74 percent of respondents were drawn from this group. They also formed the majority of household heads in the communities under study.

4.2.1c Old: 60+ Years

These are considered to the apex age group in land appropriations. About 80% of family heads fall within these age groups. Community perceive them to be old enough to know all the secrets of their respective family and even community land appropriations in the last few decades. It is normally this group of people that apportion lands to family members in accordance with custom and appease the spirits of the land. Final decisions in land transactions are normally taken by this group of people who are normally the family heads.

It is noteworthy that these age groups are estimations and do not really follow calendar years. One can be accorded the status of the Old at say 55 if he is the oldest family member or is well versed in land matters than an older brother who has not stayed in the community for long.

The 60+ years group represented 14% of the respondents interviewed. This is because most of the people of this age were elderly and normally delegated a younger member of the family



Of the 46 women interviewed, 7 were widows and were living separately in their compounds with their children. These women were those who readily agreed to answer the questionnaires. However, about 80% of the rest of the 39 women respondents either sought permission from their husbands or a man family head. The rest of the 20 percent had to be reassured repeatedly of confidentiality of their responses before the questionnaires were answered.

From table 4.1, the low proportions of women interviewed in all age groups is because, the questionnaires targeted household heads, who are mostly men. Even in 4 cases, where it was clear, the women contributed more to the livelihoods of the family through trade and by the ill-health of their husbands, they insisted the man was the head of the family and needed to be interviewed. Pogsaaah a successful food vendor in Dorimon made this remarked as follows:

If a woman is able to contribute significantly to the household income does not make her a household head I am married and if my child should die now, I cannot declare funeral, I need to still consult the man on many issues like the land issues you are interested in, and even to ask for permission to attend funerals or to travel out of the community.

Women therefore did not see themselves as leaders and secondly not as stakeholders in land administration. After a focus discussion with women at Tabiase, the following comment was made:

Until now that every government/development agency insists on women's participation. where would have women gotten the guts to discuss land issues. At best we would have gossiped among ourselves on our way to fetch water or fuel wood but never to the hearing or knowing of our husbands and brothers.

These views therefore accounted for the poor participation of women in the answering of the questionnaires.

These field results also agree with Apusigah (2004) and Bacho (2004) that critical decision concerning land and other productive resources are taken by men on behalf of women.

The low level of education also indicates that knowledges and knowings of land transactions in the study communities are gotten through cultural transmission in the traditional sector in the homes, farms and social activities of people than through formal education system in schools. This view about culture and cultural transmission gives credence to Parson (1952: 15)'s view that

First, culture is transmitted, that it constitutes a heritage or social tradition; secondly, that it is learned, that is not a manifestation, in particular content, of man's genetic constitution; and third, that it is shared. Culture, that is, is on the one hand the product of, on the other hand a determinant of, systems of human social interaction.

Therefore, the perceptions of land and land tenure security issues gotten from the study are as a result of the cultural transmissions of study communities than what is acquired in formal schools.

4.2.4 Residential and Social Status

The study took cognisance of the residential and social status of respondents. By residential status, the study meant whether one was a native or a settler in the community of study and by social status as to whether belonged to the families of the Tindana, Chief or whether the respondent was a woman or clan head. This disaggregation of respondents was necessary because land and land tenure security varies with one's social and economic status (Wiley, 2007; Cotula, 2006) and it was necessary to examine the opinions of the research from their background. In examining this, respondents' were asked whether they were natives or settlers and whether they held any traditional political office in community apart from being household heads after each interview. It was realised that the 100% of respondents who came from the royal and Tindana families were natives and that 82% of all migrants interviewed were only household heads. This revelation is not surprising as Tindana's are families of the first settlers and therefore those in possession of the land gods (Lentz, 2000; Kasanga, 1993). Migrants in the community are those from neighbouring Burkina Faso and the Lawra District who have moved from their stressed lands to the relatively abundant lands in the study communities. Land tenure security in their destination communities is therefore of acute importance to enable them enhance their livelihood. By the fact that migrations do not hold any political office in the communities make



4.2.7 Conclusion

The demographic characteristics of respondents indicate that land management is an issue of gender, age and status in northern Ghana. In terms of gender, land management is an 'all men' affair. Women's participation in land administration is minimal; as such needed to be encouraged to talk on land issues. Hence, only 38.8% of respondents were women. However, there were no significant differences in opinions expressed between men and women on the topic. In terms of education, as many as 76% of respondents, who have never had formal education, are women. However, more women are into other income generating activities than men. Migrants have less control of lands because they do not occupy positions like clan heads, Tindana or chief that control land. Women and migrants are therefore the least participants in land administration.

4.3 PERCEPTIONS OF LAND AND LAND TENURE SECURITY

4.3.1 Perception of Land

Community's perception of land is that of an inextricable interrelationship between the social, spiritual and physical realms. It is perceived as both spirit and matter. To understand the perception of land, the study asked the interpretation of the word *Teng* (Land in Dagare, the native language of the study communities) and the following interpretations were gotten:

- a. *Teng* can be interpreted as ground or earth. In this sense, it is physical and comprises of the land as measured in per unit square. When, however, land as a physical entity is referred to, it is qualified as *Teng-sog*. It is in this sense that land can be seen as resource of production which needs to be subdued for economic gains. This physical perception of land agrees with the western view that land is merely physical and can be demarcated in the unit squares and registered in the name of people or company (Deininger and Binswanger, 1999; plateau, 1996). Statutory land administration and Ghana's LAP are modelled with this perception that land is just a tangible resource and therefore quantifiable in size, cost, grid and location (Apusigah, 2004) and therefore can be surveyed, mapped out and make deeds to it. However, land is not just a physical element but a complex of social, emotional and spiritual elements which are intangible.



- b. Land is also conceptualised as an entity with a life-force, as both spirit and matter. As a superior god, land embodies all the other gods and spirits of the people it harbours. Millar (2002:157) notes that

' .. Nature as a whole is perceived as living entity, like an animal, with all parts interrelated and needing each other to function. Nature does not belong to man but man to nature. Therefore, human life is intimately related with nature and constitutes the irreplaceable basis of life'

Millar's (2002) view about nature applies perfectly to communities' conception of land as well and corroborate with Bugri (2004) and Lentz (2000). His view does not only bring to the fore that land is a duality of physical and spiritual but also explains the rationale for the communal ownership of land in the customary sector. Customarily, human belongs to land and not that land belongs to human. Therefore land is held in custodianship by the head of the family, clan or the earth priest (Tindana), for the living, the dead and the yet to be born members of the lineage (Berry, 1993). Individual use of land is a common place but not individual landholding.

Second, that land as a living and a spiritual entity needs to be appeased periodically and in times of need solicit favours from it. In a Focus group discussion with chiefs and elders of Dorimon the duality of land was captured in the following:

1/ land were just physical, we would not have been sacrificing to the Tengan (Land god) for various favours. Difficult disputes are referred to the Tengan for resolution, serious oaths are taken before the Tengan; and similarly curses are pronounced on recalcitrants at the Tengan. So, land is not just physical but spiritual and must be revered by not acting sacrilegiously in its use.

Communities' conception that, land is both physical and spiritual is shared by the findings of many (Apusigah, 2004; Millar, 2002; Bugri, 2004). Land, being spiritual, needs a land priest to administer the spiritual aspects of land administration. Again Millar (2002: 156) records that



4.3.2 Perceptions of Land Tenure Security

Land tenure security is fundamental to the socioeconomic development of Africa (Place et.al. 1993; FAO, 2000; World Bank, 2003). Land tenure security is defined by the basket of rights including use, transfer, inclusion/exclusion and enforcement. As defined by Place, Roth and Hezel., (1994:19) land tenure security is when one

" ... perceives that he/she has rights to a piece of land on continuous basis, free from imposition or interference from outside sources, as well as ability to reap the benefits of labour and capital invested in land, either in use or upon transfer to another holder"

Similarly, Bugri (2004:5) define land tenure security as follows:

" ... the certainty that a person's rights to land. will be protected People with insecure tenure face the risk that their rights to the land will be threatened by competing claims, and even lost through eviction. The attributes of security of tenure are contextual:

Investments that require a longtime before benefits accrue require secure tenure for a commensurately long time"

Security of land tenure therefore is one's perception of the safety in the continuous use of land and the assurance of the benefits from the said land use over a period of time.

Security of tenure is therefore subject to different perceptions and *modus operandi*. Box 4.1 is the opinion of the youth in Dorimon:





- *Being sure that, the land in use is not contested and what you get from it is yours and that it is safe to use.*
- *Cultivating on piece of land and being assured that you will cultivate it next year again. It could be a family land; a Tindana land or a rented land but the user should not cultivate in fear.*
- *Land tenure security is using land for whatever you asked to use the land for land without any fears from your landlord/head of family or your neighbours. Even if you have land papers and society or the Tindana opposes to your use of the land, your land is insecured because you cannot use it.*

These views are identical with the conventional views of land tenure security. FAO (2000) concede that land tenure is contextual. For example, for a cattle farmer, would view land tenure security to be the freedom in the use of pasture and water for-livestock.

Conspicuously absent from these definitions is the concept of duration. Deeds normally are for 99 years after which the land is returned to the allodial owner. In customary land tenure however, the duration is normally absent or vague. Boundaries are often given with generic physical landmarks like trees, hills, trenches and not with precision as it is with formal land administration (Lentz, 2003; 2006)

4.3.3 Forms of Land Tenure Security

From interviews and discussions, it was revealed that land tenure security measures in the communities studied normally geared towards economic, social and economic or combinations of them. The most ideal form of security is the attainment of all three.

a. Economic Land Tenure Security

Economic land tenure security is the assurance of the economic benefits from the use of a parcel of land over a period of time. The economic land tenure security borders on soil fertility, land degradation and the returns from the use of the land. In this case, the user only becomes secured only if the economic gains of the use are assured.

Economic security to land is ensured by investing manure, labour and time on the farm to ensure good harvest. It also ensures farm security measures such as security of farm produce.

At Sankana, the WUA members ensure this by regulating the amount of water per lot and by enforcing rules that protects the products of their members.

b. Spiritual Land Tenure Security

Spiritual land tenure is the assurance of the favours of God/Gods in the use of land. By this, the user is assured of his freedom from bad spirits and omen in the use of the land. Spiritual land tenure security is having the blessings of the gods of the land for fertility and prosperity. This form of land tenure security appears clandestine but is a dominant determinant in the secured use of land. As was put by Seidu, a Migrant farmer,

Whatever one does, one needs the hand of God to succeed So, you need to be assured of this or at least ask for this favour before and during your use the lands.

This view corroborates with Mbiti (1969)'s view that the African is incurably religious and religion form the basis of all actions of the African and the indigenous worldviews of Africa. Most community members seek this form of land security through various sacrifices both on farm and at home before during and after use of land in each growing season.

c. Social Land Tenure Security

Social land tenure security is the feeling one land is secured not by titles but by society. It is the trust one has in his neighbours that his land protected. It involves the building of trust relationships between community members. It involves the recognition of land by society as belonging to one's family or oneself.

4.3.4 Conclusion

Land tenure security is therefore a harmony in wellbeing; be it the physical, social and spiritual perceptions of land

The difference in perceptions between community's view of land and that of LAP or the conversional perception is that;

Community perceives tenure security from a 3-world perspective while the west views it only from uninterrupted physical access and control.

Local community emphasises social networks for land security while statutory emphasises legal documents for land security



This means that the youth as a whole have an unfavourable land tenure security but not as unfavourable as the women and migrants.

The situation of women is even more precarious. Only 38.3% of respondents assessed women as having average secure rights while as many as 61.7 % scored women as having weak land tenure security rights. The mean score is 3.6 which means women have weak land tenure security in the communities studied.

Migrants were judged to be the group with the most insecure land tenure rights with a mean score of 3.97 on the likert scale. Surprisingly, 6.8% of respondents scored they had strong land security while 16.1 percent scored them average band as many as 73.3% scored they have unfavourable land tenure security rights in the communities.

These differences in land tenure security levels by the groups above attest to Bassett and Crummey (1993:20)'s claim that:

" ... The process of acquiring and defending rights in land is inherently a political process based on power relations among members of the social group. That is, membership in the social group is, by itself, not a sufficient condition for gaining and maintaining access to land. A person's status ... can and often does determine his or her capacity to engage in tenure building.

The results above are not surprising. Tindana are the custodians of lands and are normally drawn from the families of the first settlers in the communities (Lentz, 2000; 2004; Rattray, 1932). Similarly, Awumbilla (2001) observes that

"In Northern Ghana, land holdings were vested in the 'Tendon' or earth priest who gave them out to groups and the group leader then came to control the access to land"

As such they have unequivocal claims to their family lands and custodians of the uncultivated lands as well. Their being the most secured group is also because of their role as earth priest of the community lands are believed to among the first group of settlers in the community.



Similarly, chiefs being the political head of the community would not have their lands contested by others. The land tenure insecurity of women and migrants are of interest to this study. Women and migrants are the poorer groups in the communities (GoG/NDPC/GPRS II: 2004). However, landholdings are concentrated in offices that customarily cannot be held by women. Land Inheritance which is the main source of land for many also does not adequately cover women. To compound this, women assert that:

If you are a married woman and you want to acquire a piece of land in your name, your husband and his family suspect divorce or that we want to rival with them. So, the moment you start doing that, your husband also starts looking for a new wife. I think the men are just afraid for nothing. What would a women use her land for if not for his (Husband's) children?

The women therefore blame the unwarranted fear of men as being the cause of their land tenure insecurity.

Given the skewed nature of the security of land rights in favour of indigenes and men, land titling and registration as envisaged by LAP would be consolidating these unequal security rights to land. There is the need for a deliberate land tenure policy to protect the rights of these vulnerable groups than just land titling.

4.4.1 Land Ownership versus Land Custodianship

Land ownership is a nebulous concept in northern Ghana and needs to be put in perspective (Millar, 2002; Lentz, 2000; Apusigah, 2004; Kunbour, 2000). The study found out that land was often referred to as 'our land' and was always contextually defined. McCormack (1983:05) observation was found to be true in the community. He observed that:

The ancestors own the land and the crops in the sense that they first cleared the land and it is through their efforts that their descendents now farm on the land The patriclan or lineage owns the land in the sense that it is held to have been farmed by the founding ancestor ... The ritual leader of the community (tengan sob) owns the land in the sense that he has special duties within a certain locality, although he has no control over the

and countless numbers are yet unborn'.(West African Lands Committee, 1916b 31-32 cited in Berry 1993: 107). Hence, the communal holding of land found in rural areas.

4.4.2 Classification of Customary land Holding and Security of Tenure

Lands in the communities studied were classified into:

- *Siman* or the compound farms are immediate farms around the compounds of a house. The *siman* is managed by the head of the compound. They are often re-appropriated among the various nuclear families of the compound to cultivation. Vegetables, groundnuts and some staples are cultivated here. *Siman* is intensively cultivated and often need to be supported with manure from the compounds.

Siman land are normally not appropriated to outsiders but are preserved for the use of the compounds.

- **Puo** is a distant farm away from the compound farms. In some settlements it could be many kilometres away from the settlements or even beyond farmers' communities of residence and farmers may spend days on farm working during the farming season. The *Puo* is under the custodianship of the family head who regularly re-apportions it for the purposes according to the number of male members of the family. These are often the most fertile lands in the community occupied by families (Kunbour, 2000). Settlers or land users interested this category of land must consult the family respective heads and members.

By far, these farm lands form the bulk of community lands and are administered to family members and even outsiders by the head of family or lineage.

Ideally, indigenes (men and women alike) are default land holdings by belonging land owning families. However, the situation of women is different. Appropriation of family lands often involves the (re)apportioning family lands according to the male heirs of the family. Females are often not apportioned family lands and are expected to depend on their male counterparts for land. These findings collaborated with earlier findings (Awumbilla, 2001; Bugri, 2004; Kotey and Tsikata, 1998). Non-Community members seeking land must consult the respective family heads as all lands in this category belongs to families.



- *Kar* is a term for infertile lands in the community. They are mostly rocky and the least fertile lands in the community. These lands are communal and often under the custodianship of the Tindana. These lands serve the common grounds for community gatherings such as funerals, market places, building of schools among other uses. It is also the common grazing grounds for animals in the community. Wild fruits and other resources found in the *kar* are communal and can be assessed by all (Tengan, 2000). The *Kar* is therefore a safety net for the poor as they can assess fuel wood, fruits and game from it without permission.
- *Waja* is the uncultivated land of the community and is under the custodianship of Tindana. It is the *Waja* and the *Kar* that the Tindana has direct control over and this is what is often given out to settlers. When not appropriated the *Waja* also serves as commons of the community for hunting, picking wild fruits and fuelwood (Songsore, 2000; Rattray, 1932). The *waja* is also the most safety net for the poor in terms of the acquisition of non-timber forest products like fuel wood, game, fruits and straw.

Interviews conducted with migrants also indicate that acquiring lands from the community *waja* or community common is safer than acquiring lands from family lands.

4.5 ACQUISITION OF LAND AND LAND TENURE SECURITY

The study gathered that there was a link between the land acquisition methods and the level of security. Discussants outlined five (5) main ways one can acquire a piece of land. The methods of land acquisition include; Inheritance, Buying, Renting and being given as a gift. These methods and their methods of security are discussed below:

a. Inheritance

Inheritance is the main source of land acquisition for indigenes and migrants alike. Family farm lands are passed on normally from father-to-son or from ego to family head for re-apportioning when the deceased have no male children or children are yet young. Daughters are often not given any inheritance of their father's lands but depend on their brothers or uncles for pieces of land to farm,



Women focus group discussants admitted that, lands, on which their deceased husbands farm, are normally given to them if only they can still farm all of them. However, if after about two farming seasons, some parts of the lands are not being cultivated the family head or a member of the family would ask for it to use. They however, conceded that their security to the use and control of their deceased husbands' land depend on the discretion of their head of family and other male family members, the number of sons the deceased had and how resourceful they perceive woman to be.

Migrants' security of tenure depends on how the land was contracted. They explained as follow:

- If deceased migrant acquired the land from a family, upon his death, the land returns to the original owner and new negotiations are made. The outcome depends on the benevolences of the landowning family and how land stressed that family is at that particular moment
- If the deceased acquired the land from the community common, like the *waja* under the custodianship of the Tindana, that land is more secured for the deceased family than if the land were acquired from families. This is, because, the land is normally not under contention as it is with family lands.



Buying

Sale of lands by families is a new phenomenon developing. In Dorimon, the price of a piece of land range from Gh¢80 to Gh¢200. Instead of the sacrifices being made before given out lands, some families sell out parts of the family lands to migrants.

Migrants complained security of tenure under this system depends on the family from which the land was bought. Normally, if there were stress on the seller's family lands, family members requested their lands back. Mostly, due to the lack of written down agreements, there are normally arguments as to whether the land was sold or rented out. A migrant complained

All lands here have owners; they either belong to families or to the Tindana. The problem is that, when you acquire the land from a particular family to even have it for good and there happen to be land stress in that family, they may tend to

Reclaim parts of your land claiming it was rented out to you to use for some years and not for keeps. That is why; I would prefer that some form of written agreements between migrants and landlords be made.

Buying of land from families, which was hitherto unheard of in the communities, is on the rise because of the increasing diminishing of the community commons. While most migrants want written records to support claims to lands bought, landlords are reluctant in issuing written agreements. This sometimes results in disputes as to whether the money paid was for rent of the land for sometime or outright buying. Despite this problem, about 95 percent of respondent migrants rejected formal land titling as a solution, citing high cost and being labelled as being arrogant by indigenes as the hindrances.

c. Renting

Renting land for cultivation was described as the most insecure method of land acquisition. Though it is termed renting, it does not normally involve exchange of monies. One may approach a land holding family for a part of their land to cultivate for a particular season or seasons and return it back. Though in most cases no finances are involved tenants normally present tokens of their produce to their landlords after cultivation.



Renting of land is said to be engaged by the vulnerable like widows and migrants. For the young and strong, renting may involve courtesies like giving labour on the land lords' farms. It is described as the most insecure form of land acquisition as the land could be reclaimed after a growing season.

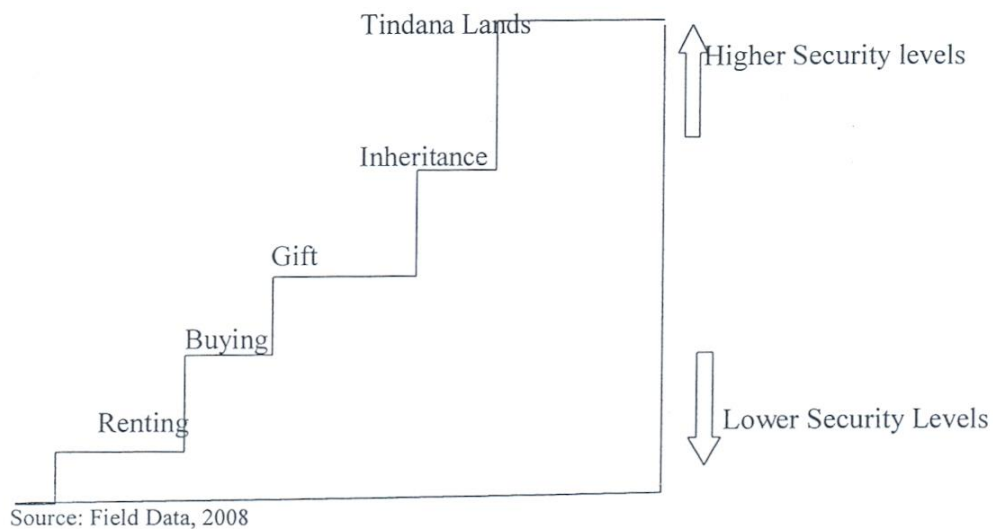
d. Gift

Lands could also be given as gifts to people; migrants and citizen alike. The security of tenure under this type of ownership depends on the kind of land. If it was personally acquired, it is much secured than if it was part of the large family or lineage land. Gifts from family or lineage lands could be subject to contestation especially upon the death of the donor.

e. Lands acquired from the Tindana

Tindana lands are the community commons and parcels of which can be given to both migrants and indigenes. These lands are given in consultation with community leaders. Most migrants prefer acquiring part of the Tindana lands because it is said to be the most secured. Migrants explained that because they are normally not family or lineage lands they are free from competition. Secondly, they could finally hold usucaptionary rights (land owning rights by long use) to such lands.

FIGURE 4.4 LAND ACQUISITION METHODS AND SECURITY LEVELS



4.6 Changing Trends in Customary Land Tenure

Customary land tenure in all three (3) communities studied are said to be undergoing some transformation. This supports the view that customary land tenure are not static but evolving to meet changing needs and conditions (Mitgot-Adholla and Bruce, 1994; Cutola, 2006; Platteau, 1996). These changing strengths and weaknesses in protecting the land rights of the poor are presented below:

- Impasse between chiefs and Tindana over the control of community commons. Chiefs are increasingly assuming the powers of the Tindana in land affairs. In such, migrants especially feel insecure if land is given by the chief especially. This is because while the Tindana is the landlord, the chief can refuse settlers permission to settle. Similarly,



Tindana can invoke the wrath of the gods on users of land given by the chiefs. This makes migrants especially feel insecure.

- o There is increasing monetisation in customary land administration. Though land lords call this 'cola' money, rural land seekers describe it as expensive. This is especially so in acquiring lands from families.
- o Foreign religions like Christianity and Islam have decreased the recognition of the Tindana in performing certain rights. Performing of sacrifices to ascertain the true owner of parcel of land for example is challenged by non-traditional religion believers.
- o Land seekers are increasingly demanding increased security by involving as many people as possible in their land transactions and in demanding written records of agreements from landlords.

4.6.1 Strengths of Customary Land Tenure

1. Land is corporately held by families, clan heads and Tindanas for both the living yet to come.

This ensures there is guaranteed land availability for members of the corporate group.

2. Land transactions under customary land tenure are less bureaucratic, stressful and expensive and therefore accessible to the poor.
3. Customary land tenure is built on relationships, and between human and land. This could be explored for sustainable community environmental management.
4. Land conflicts are easily resolved in a cost-effective manner.
5. Under customary law, it is a matter of morality to give out land to the poor and needy.
6. There exist secondary rights to land which serve as safety nets for the poor and landless people to access fuel wood, game and fruits.



4.6.2 Weaknesses of Customary Land Tenure

1. The lack of written records of land transactions. Discussants said this has become necessary not because of the increased demand for land but mainly because traditional methods of determining the true owners of the land by rituals and sacrifices are now contested

Written records between landlords and tenants could help resolve land disputes.

2. Women's control of land is weak. Women are only assured of land access. Women are not a part of customary land administration.
3. The vague agreements in customary land transactions do not favour the cultivation of tree crops. With the increasing depletion of community commons, access to fuel wood, wild fruits and game would be restricted to individual use.
4. The lack of records of land transactions is the main cause of conflicts

Despite these shortfalls this study agrees with Woodehouse (2003) that, the negotiability and ambiguity of customary systems in fact are positive features that ensure access to land and related resources also to poor and marginalized groups, and hence not necessarily produce disincentives for investments. Customary tenure provide protection for the poorest segments since land is allocated on the basis of kin or membership in a community and also includes holders of secondary rights.



4.6.3 Conclusions and Implications for LAP

The traditional perceptions of land and land tenure security, its methods of acquisition and the associated land security levels it gives to various groups of people have implications for LAP.

- ✓ In terms of security of rights, women and migrants have the least security of lands rights. LAP would re-enforce these unequal levels of land rights in favour of the land owning groups if it would just register existing land interests. With land title registration, secured groups could give away their moral duty of helping the landless as they do today. Making land more accessible and secured by vulnerable groups even a bigger challenge under LAP
- ✓ Customary land tenure gives room for an inexpensive and less time-consuming negotiation of rights. The harmonisation of customary rights may make land tenure

would make land access and control process difficult not specific to the local land questions .

- ✓ The recording of land transactions is welcome news for tenants because it would increase their land tenure security levels when a piece of land is acquired. For customary tenure is argued to provide protection for the poorest segments since land is allocated on the basis of kin or membership in a community and also includes holders of secondary rights (Woodehouse, 2003).

4.7 WATER USERS' ASSOCIATION AND LAND TENURE SECURITY

The Sankana Water Users' Association (WUAs) is a democratic, self-governance and management institutions of farmers with interests in the Sankana dam water and land sites. Bacho and Bonye (2006) in their findings of WUAs' activities in the Upper East Region, concluded that these self-governing community based-institutions are able to (re)define territorial, authoritative and user boundaries in the use of irrigation water and lands to avoid abuse. Their findings are not different from this study findings of the Sankana WUA. With a total membership of 94 (78 men and 16 women) as at February, 2006, the Sankana WUA was formed to address the following common issues:

- Equitable and effective distribution of water to members
- Equitable allocation of irrigable lands
- As a Farmer-Based Organisation to attract agricultural support services
- Protection and maintenance of Dam

4.7.1 Structure of the Sankana Water Users Association

The Tindana of the land is the Titular head of the WUA by the virtue of the fact that he is the custodian of commons the lands in the community. This is followed by the WUA Executive and the Lands Allocation Committee (LAC). Executive Members as well as the Lands allocation committee are democratically elected and must consist of at least a woman. The Association has a constitution and regularly meet to review guidelines for the greater benefit of the members. To facilitate easy management, the Association as at February, 2008 had divided its members into 5 groups according the location of their plots at the catchment area. These groups all had bank accounts and were allowed to make their guidelines if only it did not contravene the overall



Migrants are not discriminated at all as access to land is purely by member of the Association. The Lands Allocation Committee chairman was a migrant and there are many migrant members enjoying the same protocol as indigenes in the use of the land. The study was told that by a native WUA member that;

It is only in the WUAs lands that migrant's decide on land management issues. In other land issues, we decide and they accept our decision or leave our land. Though the Tindana is the head, he only performs sacrifices and leaves the active allocation of the lands to the Lands Allocation Committee. It is only when there are disputes beyond the WUA level that the Tindana is called upon again.

All members of the WUA, irrespective of the family (Tindana, chief or migrant) of origin follow the same methods of land acquisition.

4.7.4 Conclusion and Implications for LAP

The Sankana WUA is an example of community based management of a common-pool resource to avoid demise of the resource and ensure equity in the access of the common-pool. Indeed, government's control and management of what should be locally managed by the livelihood sustainability of the poor is increasingly being questioned (Benjaminsen, 1995; Bailey and Zemer, 1992). Community-based institutions such as the WUAs of dam lands can effectively manage the intrinsic complexes of the community in the use of that resource (Bacho and Bonye, 2006). Bacho and Bonye (2004) study on dam catchment lands in the Upper Region and the findings of the study about the activities of the Sankana WUA have collaborated that local community people are innovative in collectively addressing their problems of inequality in resource access and control by establishing community based institutions. These collectively agreed rules dictate the membership or exclusion in the use of the resource,

The advantage of community based organisation is that they are able to manage the intricacies of the local based problems of the day (Tang, 1992). As such, community based land Administrative bodies can (re)negotiate the inadequacies of customary land tenure system like the lack of written documentation and the poor control of land resources by women and settlers

to be in tune with today's needs. For, communal organizations have proven able to solve problems that neither the state nor the market has been capable of managing effectively -like the production of local public utilities or the internalization of ecological externalities (Baland and Platteau, 1999).

Though LAP intends to establish the Customary Land Secretariats (CLS), CLS fails to be a community based land administration institution as LAP seeks to standardize customary land systems. This coupled with LAP's insistence of land titling and registration as a way of ensuring land tenure security leaves the community with no options of developing its own land tenure security system to meet its peculiar situation.

4.8 LAP AND LAND TENURE SECURITY: MAIN FINDINGS FROM TABIASE

4.8.1 Introduction

As part of the learning by doing approach of LAP, a Pilot Customary Land Secretariat was set up at Tabiase in the Nadowli District of the Upper West Region in 2001. Tabiase was chosen as a case study community to focus on the activities of CLS of LAP as a community land tenure security measure. This is to ascertain whether community view them as necessary or suitable options for ensuring land tenure security. Main findings of the study are presented as below segment.

4.8.2 Inception of Customary Land Secretariat in Tabiase

The introduction of the CLS in Tabiase was vividly captured by the Tabiase Tindana as follows:



4.8.3 PERCEPTIONS OF CUSTOMARY LAND SECRETARIAT OF LAP

The general perception of the CLS is analysed from the views of the Indigenes and that of migrants and the vulnerable groups.

4.8.3a Indigenes' Perception of Customary Land Secretariat

Indigenes perceive the CLS as an opportunity to be assertive and commercialise land and land resources to migrants. They perceive CLS as a good project because it has raised their consciousness that land should not be given to settler farmers free of charge. The registration of migrant land users is perceived as having full grips of migrants to succumb to their ways in the use of lands. These are contained in the following statement made during the study.

CLS of LAP has come to tell us that we must protect our land and that land transactions should not be free of charge as it is in the big towns. There is therefore the need to demarcate both the community lands and individual family lands as is done in Wa. For, you need to know your boundaries before you sell (Elder, Tabiase, 0510412008.)

CLS therefore is largely perceived not as facility to improve community's land transactions but to commercialise lands. This perception by the indigenes (landholding groups) is affecting settler farmers adversely as is discussed in the ensuing.



4.S.3b Perceptions of the Customary Land Secretariat by Migrants/Settler Farmers

Contrary to the expectations of LAP that, the CLS would make land transactions simple and clear for both tenants and lords, CLS is perceived by settler farmers as an exhorting body to make their access to and control of land difficult. In discussions with a cross-section of them, they recounted that since the inception of the CLS, the cost of land has been on the rise. Apart from buying the land from the landlord, one must pay a registration fee of Gh¢2 to the secretariat. The settler farmers did not see the registration fee as high but have a general feel of insecurity rather because in their view their LAP was not out to help them. A settler farmer remarked that;

For about 5 or six years now, every settler farmer coming into the community is registered The CLS would ask where you came from, who gave you the land, where the land is located

And how many acres given. It makes us a bit nervous as we do not know what would happen next. Will these lands be given to our families when we die? Or they would need to renegotiate with the landlord and CLS? In fact we do not know whether these lands are for our lifetime use or for a shorter period (Focus Group Discussion, Tabiase, 5/04/08)

The general feeling is that LAP has come to make tenants more submissive to landlords. LAP education is therefore poor. Both indigenes and migrants have misconstrued LAP. Migrants especially have seen it to be a stumbling block in ensuring their tenurial security and land lords on the other hand have perceived it to be a means of commercialising lands.

4.8.4 Tabiase Customary Land Secretariat

4.8.4.1 Staff and Training

The CLS consists of Six Staff members (2 Focal Persons, 2 secretaries, a Typist and an Ordinary member). These staff members have been nominated by the community and are responsible for the day to day administration of the Secretariat. The staff enumerated their task as:

- o Keeping records of settler farmers, the names, location, number of years stayed in the community and place of origin. The staff reported that they have registered close to 400 settler farmers since 2001. Each farmer paid an amount of Gh¢2 for registration.
- o Organise various meetings to engage the community on contributions towards the construction of LAP. It was again reported that community had moulded enough blocks for the project but regional LAP secretariat rejected it saying they were sub-standard. The community is now in the process of moulding new blocks for the project.
- o Facilitated the setting up of a 12 member Land Committee. The committee consist of Tindana, Sectional heads and 2 women.

On training, only one out of the 6 CLS staff have had some training in the form of workshops on recording land transaction, conflict resolution mechanisms and management skills. These staff members do not also attract any money or form of remuneration from LAP and are not also paid by the community. For effective management of the secretariat, a more detailed training in land administration is needed for all the secretariat staff.





4.8.4.2 Office and Logistics

Since 2001 till date the CLS is still accommodated at the house donated by a community member for a year's use. No rent has been paid since its occupation and CLS runs the risk of being ejected. Under LAP implementing communities are to provide the office accommodation while the furnishing would be done by LAP. LAP has honoured its commitment by furnishing the Office and providing computers. The computers are however not in use because the community lacks electricity and money to operate a generator donated for use by another community member. A motor bike which was also donated to the Secretariat is not in use, because, of community's inability to fuel it.

4.8.4.3 Stakeholder Participation

The CLS and the Lands Committee's composition do not involve migrants/settler farmers but settler farmers are regularly invited for meetings on land issues. The other traditional institutions (Chief, Tindana and Sectional/family heads) have reported they are actively invited for community discussions on CLS.

4.8.4.4 Output and Challenges of LAP

The main achievement of the LAP/CLS in Tabiase is the registration of about 400 settler farmers in the CLS records. The CLS like LAP is just an administrative innovation to make land title registration more accessible to rural people. Its operations in Tabiase since 2001 raise the following concerns:

- o LAP insistence on community's contribution to LAP by constructing the office accommodation and paying of remuneration of the CLS staff would affect its performance. The Upper West Region is the poorest region in the country with majority of the poor being rural dwellers and food croppers (GSS, 2007; 2005). In such poor communities, LAP's activities would affect the poor and marginalised land security in two-way;
 - Higher land registration fees by CLS
 - Higher price of lands to support CLS

The likely option would be to review upwardly the land registration fees of migrants which would affect them adversely. Settler farmers are often among the very poor of the communities.

- o CLS collaborates very well with community stakeholders in land but not with any other state agency. Community members reported since its inauguration, LAP officials from both Wa and Accra visited the community only three times. No mention was made of other state land agencies in the training of CLS staff, planning and implementation of CLS activities. Appeals to Nadowli District Assembly for support to construct the CLS office and/or pay the remuneration of the CLS staff did not yield any positive results. More collaboration especially in technical and logistic support is still needed from partners.
- o Training given to CLS is woefully inadequate. More training is needed
- o CLS is gender neutral. No special arrangements are made to improve women's access to and control of land.

The study concluded that but for the exception of the Registration of settler farmers, land administration in Tabiase is still customary. This is due to the lack of qualified staff and logistics to carry out its mandate as well as the lack of freehand to design and implement community land transactions according community's peculiarities. Staff of the Tabiase CLS reported that "All pilot CLS were given the same format and record books for the documentation". This is, in view of LAP's objective of harmonising land transactions both at the customary and statutory fronts. However, the 'one-cap-fits-all' method may not work for all communities (Millar, 2005; Cotula 2006; Wiley, 2006). The need to make CLS more innovative to accommodate the peculiarities of the land problems is the contention of the study.

4.8.5 Conclusion

LAP as an administrative reform that seeks to encourage land title registration in rural areas by rural people through the operationalisation of the CLS concept is facing challenges in rural communities like Tabiase.

- a. LAP is not a community initiative and therefore not winning the total support of the communities. As community elders narrated;

We were here when some land officials from Wa, came and said they wanted to establish CLS here to curtail our land problems.

Though the Tabiase community admit some land dispute problems, land security was described as relatively stable.





- b. LAP education is poor in the community. About 95% of community members perceive LAP to be the commercialisation of land. The common phrase that *'LAP has come to tell us that we should not give land free'* tells it all. Though this perception has the advantage of increasing the income of landowners, it would also aggravate the situation of settlers and migrants.
- c. The community's contribution of a 'Standard' office accommodation and the paying of CLS staff's salaries makes LAP a land tenure scheme for higher income communities. As, seen in Tabiase, for about almost 7 years of its operation the community is unable to settle the rent of the temporal office let alone the construction of the CLS office. Other amenity problems, such as, the lack of electricity to operate the computers of the secretariat testifies LAP as not being a rural-based land administration system.
- d. LAP is not explorative and does not give operating communities the opportunity to operate according to their customary rules to register lands according to a pre-prepared format given by LAP.
- e. There is poor collaboration between the CLS and state land agencies. Apart from the Regional LAP Secretariat that visits the Tabiase CLS, there is no collaboration whatsoever with state institutions such as the Survey Department and Lands Commission.
- f. The CLS staff members have had poor training in land management issues. Only one out of the six staff members has had training in the form of workshops.

4.9 PREFERENCES IN LAND ADMINISTRATION SYSTEM BY THE POOR

The ensuing are expressions of some respondent views on their preferences of land tenure options:

- *At least in our system (customary system), a woman can always have a piece of land if she wants but she would not have the best of lands whether from her family, clan or lineage. She cannot also plant trees because it would mean claiming ownership of the*

land. However, we can fetch fuel wood and pick fruits from communal lands. But I learnt, if you make land papers, the land belongs to you and you alone. As seen in towns, they are normally fenced and given numbers and no one else can use anything there except with permission of the owner. If such a thing catches up here, communal things like hunting, fetching of fuel wood and fruits would be a big problem for those without land. (Focus Group Discussion with Youth, Dorimon)

- *I prefer customary land tenure because; it is humane and people-centred. The poor and marginalised can easily access land than under state administration. The chief and Tindana are supposed to ensure that at least everyone in the community gets a piece of land to cultivate (Mornah, Sankana)*
- *LAP/CLS is good because it would forest all future disputes on land. If these migrants are registered, tomorrow they cannot say they own the land (Family head, Tabiase)*
- *If customary land transactions are recorded, it would be the best and most efficient land tenure system for the poor. I think the Tindana should have a secretary who would record all land transactions in the community. (Teacher, Dorimon)*
- *I don't think the issue of borders is so much a problem under customary system. I think the problem is with sons taking over of lands of tenants after the 'Oldman is gone' because they were no records. So, the problem is the lack of written records in the customary land administration and not with the system itself*
- *I prefer customary land tenure because even if your land is collected, you are compensated with a small piece of land somewhere by the chief or Tindana.*



Chapter Five (5)

Summary of Findings and Conclusions

5.1 Introduction

Demographic characteristics of respondents show that land access, ownership and control in the region are not just a gender issue but issues of age and status. It indicates that land management is an issue of gender, age and status in northern Ghana. Gender however, is the most remarkable dimension, land administration and management is an 'all men' affair. Women participation in land administration is minimal; as such needed to be encouraged to talk on land issues. Hence, only 38.8% of respondents were women. However, there were no significant differences in opinions expressed between men and women on the topic. In terms of education, as many as 76% of the respondents, who have never had formal education, are women. However, more women are into other income generating activities than men.

Migrants have less control over lands because they do not occupy positions like Clan heads, Tindana or Chief that control land. Women and migrants are therefore the least participants in land administration.



5.2 Perception of Land and Land tenure Security

Land is perceived in the study areas as a living entity, harbouring the spirits and ancestors as well a physical entity for production and finally a social asset; designating authority and wellbeing and emotional attachments (Amisah, 1995; Millar, 2005). Flowing from this perception, land tenure security denotes an assurance of land use by the spirits of the land, physical access to the land and recognition of one's use of the land by society. Assurance of these three perceptions of land is most secured tenure. This perception is opposed to LAP's view of land tenure security as assurance of the only physical rights to use and retain the benefits from that parcel of land. Therefore, LAP's insistence on land demarcation, titling and registration as a way of ensuring the tenurial security is not a panacea to land tenure security. However, the study communities depend largely on customary norms, social relations and sacrifices in ensuring that their lands are secured.

5.3 Customary Land Tenure and Marginalised Groups

The traditional perceptions of land and land tenure security, its methods of acquisition and the associated land security levels it gives to various groups of people have implications for LAP.

- ✓ In terms of security of rights, women and migrants have the least security of lands rights. Traditional power bearers like the Tindana, Clan heads and Chief have stronger land security than migrants and women. LAP would re-enforce these unequal levels of land rights in favour of the land owning groups if it would just register existing land interests. With land title registration, secured groups could give away their moral duty of helping the landless as they do today. Making land more accessible and secured by vulnerable groups is even a bigger challenge under LAP.
- ✓ Customary land tenure gives room for an inexpensive and less time-consuming negotiation of rights. The harmonisation of customary rights may make the access to and control of by the poor and vulnerable difficult not specific to the local land questions .
- ✓ Documentation of customary land transactions is agitated for by tenants because it would increase their land tenure security levels when a piece of land is acquired. Customary land transaction documentation is different from land title registration. It is argued that customary land tenure better protects the poorest segments since land is allocated on the basis of kin or membership in a community and also includes holders of secondary rights (Woodehouse, 2003).

5.4 The Sankana WUA and Marginal Groups' Land Rights

The study of the Sankana WUA revealed that of community based management of a common pool resource to avoid demise of the resource and ensure equity in the access of the common pool. Indeed, government's control and management of what should be locally managed by the livelihood sustainability of the poor is increasingly being questioned (Benjaminsen, 1995; Bailey and Zemer, 1992). Community-based institutions such as the WUAs of dam lands can effectively manage the intrinsic complexes of the community in the use of that resource (Bacho and Bonye, 2006). Bacho and Bonye (2004) study on dam catchment lands in the Upper Region and the findings of the study about the activities of the Sankana WUA have collaborated that local community people are innovative in collectively addressing their problems of inequality in

resource access and control by establishing community based institutions. These collectively agreed rules dictate the membership or exclusion in the use of the resource. Poorer groups like women and migrants have their land rights protected by being members of the Association.

The advantage of community based organisation is that they are able to manage the intricacies of the local based problems of the day (Tang, 1992). As such, community based land Administrative bodies can (re)negotiate the inadequacies of customary land tenure system like the lack of written documentation and the poor control of land resources by women and settlers to be in tune with today's needs. For, communal organizations have proven able to solve problems that neither the state nor the market has been capable of managing effectively - like the production of local public utilities or the internalization of ecological externalities (Baland and Platteau, 1999).

Though LAP intends to establish the Customary Land Secretariats (CLS), CLS fails to be a community based land administration institution as LAP seeks to standardize customary land systems. This coupled with LAP's insistence of land titling and registration as a way of ensuring land tenure security leaves the community with no options of developing its own land tenure security system to meet its peculiar situation. The Customary Land Secretariats of LAP are blueprints and should be allowed to be explorative and innovative in finding contextual ways of ensuring land tenure security for the poor and vulnerable especially in their operational areas.

5.5 The Tabiase CLS and Marginalised Groups' Land Rights

LAP as an administrative reform that seeks to encourage land title registration in rural areas by rural people through the operationalisation of the CLS concept is facing challenges in rural communities like Tabiase.

- a. LAP is not a community initiative and therefore not winning the total support of the communities. As community elders narrated;

We were here when some land officials from Wa, came and said they wanted to establish CLS here to curtail our land problems.

Though the Tabiase community admit some land dispute problems, land security was described as relatively stable.



- b. LAP education is poor in the community. About 95% of community members perceived LAP to be the commercialisation of land. The common phrase that *LAP has come to tell us that we should not give land free* tells it all. Though this perception has the advantage of increasing the income of landowners, it would also aggravate the situation of settlers and migrants.
- c. The community's contribution of a 'Standard' office accommodation and the paying of CLS staffs salaries make LAP a land tenure scheme for higher income communities. As, seen in Tabiase, for about almost 7 years of its operation the community is unable to settle the rent of the temporal office let alone the construction of the LS office. The lack of electricity to operate the computers of the secretariat testifies LA as not being a rural land administrative system.
- d. LAP is not explorative and does not give operating communities the opportunity to operate according to their customary rules to register lands according to a pre-prepared format given by LAP.
- e. There is poor collaboration between the CLS and state land agencies. Apart from the Regional LAP Secretariat that visits the Tabiase CLS, there is no collaboration whatsoever with state institutions such as the Survey Department and Lands Commission.
- f. The CLS staff have had poor training on land administration issues. Only one out of the six staff has had training in the form of workshops.

5.6 Institutional Linkages in Land Administration

The study revealed that there exist poor institutional linkages between institutions in land administration in both the formal and traditional sectors. The formal sector is characterised by, poor interactions between the agencies because each agent is 'responsible to its head office in Accra'. This causes delay and bureaucracy in land transactions with state institutions. The sector is also associated with poor staffing and logistic base.

There is more interaction between the Tindana, Chiefs and Clan/Family heads in traditional land administration than in the formal sector. However, interaction between formal and traditional institutions especially in areas of policy formulation and implementation remains weak. This makes land policies made by state institutions incompatible with local peoples' world views.

5.7 Thesis conclusion

The study concludes with Cotula et al., (2006:2) that:

"securing land rights requires developing and implementing policy, legal and practical tools that are appropriate for different groups and circumstances, and that pay special attention to specific land tenure needs of poorer and more vulnerable groups; supporting democratic land institutions and land administration systems that are decentralized and problem centred, and that makes links with existing indigenous and customary mechanisms for managing land; improving access to effective systems of land dispute resolution, including courts, alternative dispute resolution and customary procedures"

It has also come to the conclusion that ensuring land tenure security for the rural poor and marginalised is a complex issue. No land administration regime whether by government, customary or common property regimes have been able to adequately protect the tenure rights of the poor and marginalised. State land policies since colonialism have not been able to meet the security needs of the poorer groups because of the cost, time and bureaucracy involved. Common property regimes like the Sankana WUA have problems with the access of plots nearer the water sources and customary land regimes discriminate against women in terms of land ownership and control.

It is therefore evident that land tenure security measures are dependent on the context and settings as found in the case studies. While Dam sites lands at Sankana use the WUA concept; in Tabiase, Government, is operating the CLS concept of LAP and in Dorimon, land users depend on traditional institutions and social relations in enforcing customary land laws and norms. However, customary land regimes are still the most preferred land administration system for the protection of the land rights of the poor because of the easy access to land, its negotiability and the existence of secondary rights for fruits and fuel wood especially,



It is the opinion of the study that a community-based land administrative system that would record customary land transactions would ensure greater security for the poor and marginalised. Since, many rural people have confidence in the customary land administration system; it would be prudent for both state and local community to collaborate in improving it than replacing with a single standard blueprint land regime as envisaged by LAP. Concurring with Toulmin (2007:9) the study is of the view that;

"Given the range of diverse contexts and settings, there are strong arguments for developing locally appropriate initiatives and actions, rather than a single standard blueprint solution".

Customary land administration could be used as a starting point to ensure that land tenure is made secured not just for higher groups but the many rural poor who need security of land tenure to eke out their living.

5.7 Revisiting Research Questions and Objectives

The overall objective of the study is to examine whether LAP is a suitable tenure security measure for the rural poor. The study revealed that LAP as it is operated in the Tabiase CLS is not making any significant difference in protecting rural peoples' rights. It is rather misconstrued as a measure to entrench the land security rights of indigenes. With LAP, CLS offices are not only to be built by the communities, but communities would also have to pay the salaries of the staff. Poor rural communities as the case is in the study region, would shift this cost to migrants and non-landholding group who would want lands, hence making land access and control difficult. The study therefore concludes that LAP is not a tenure security measure for the rural poor.

In examining the first objective and answering the first research question, it was realised that while statutory land and land tenure security is based on the continuous physical access to land, rural peoples' perceptions go beyond the physical to include the social and importantly but sometimes clandestinely spiritual security in the use of land. As such, landholding is communal and for the quick, the dead and the yet-to-come. LAP perception of land as physical only and therefore can be measured and mapped out is not adequate to caption the social relations one has to land by social relationship (territoriality) like where one's father was buried among others.



The second objective was to examine the strengths and bottlenecks of the customary land that the main strength of the customary land tenure in ensuring land tenure security rests in the existence of secondary land rights on which most of the poor depend on for fruits, fuel and game. Secondly, that it is a cultural obligation to give land to the poor in customary land tenure. Finally, it was found to be negotiable and inexpensive in both time and money and therefore most preferred by migrants and other vulnerable groups. The study also noted that, the lack of written documentation of customary land tenure as the main problem in land administration.

The third objective bordered on the collaboration between traditional and formal land institutions in ensuring land security for the poor. It was ascertained that both intra and inter institutional linkages were poor and are needed in both enacting and implementing a pro-poor land tenure security policy. The study revealed that there was very weak collaboration between state and traditional institutions in the formulation and implementation of land policies in the country. At the intra-institutional levels, there existed frequent and stronger linkages in the informal sector than at the formal institutional set-up.



The fourth objective set was to review state policies in attempting to answer the land question of the poor. This is done extensively in the literature review chapter. It was established that state intervention in land administration since colonialism to date has been the superimposition of western modelled land administration system. It was further concluded that state land policies were not necessarily to ensuring the land security rights of the poor but to ensure easy access and control of land by private and/or foreign enterprises. Therefore land policies were made without recourse to local customs.

Rural peoples' perception of the appropriateness of LAP as a land tenure security was examined as objective five of the study. It was realised that LAP is demanding too much from the poor resource based communities of the study region and was an imposition in the region. Issues such as land titling and demarcation are only expected to work.

CHAPTER SIX (6) RECOMMENDATIONS

6.0 INTRODUCTION

The important of every research is its ability to contribute to theory, policy-building and the development of society (Bacho, 2001; Yin, 2003). The study is intended to contribute to the development of the many rural poor's search for reliable land tenure security system that can enhance their livelihood. Development here refers to;

That process of change through which a society evolve, the values, political leadership and other forms of social organisation necessary to mobilise and utilise resources in such a way as to maximise the opportunities available to many of its members, for realisation to the fullest possible extent of their potential as human beings.

Development must serve the interests of the majority,' no society is perfectly homogenous, all are composed of competing interests and society must benefit some and harm others. But on chance, it must be the interests of the majority that are advanced (Currey, 1973, cited in Songsore, 2003)

Based on this view of development my conception of development centred on land policy which recognises a people's values, institutions and the potential of their social organisation to manage land in a way that would be beneficial to majority of them. These benefits need not necessarily be material or economic but spiritual and social as well. This would involve the appraisal of local people's land administration system and building on their strengths. It is only by this way that the notion of land territoriality and land tenureship can be harmonised. Thus not only making secure land administration meaningful to many but also accessible to many rural poor.

Recommendations made in this direction include:



6.1 Using the Endogenous Development Approach for a pro-poor land Policy building and Implementation

Endogenous development is *"development based on but not exclusively. on locally available well as outside know/edges and practices"* (Haverkort et. al, 2002:256). The use of endogenous development approach to policy building would involve appraising and using indigenous land tenure systems as a starting point to an interactive policy building. In this way, inadequacies of customary tenures would give way to gradual introduction of the innovations of statutory land tenures system if need be.

This method if well used would create a win-win situation between customary and statutory land tenure systems.

6.2 Affirmative Action in Land Administration Strategies

The study revealed that land administration especially at the statutory sector is gender blind and has no special leanings for the poor. As such, the same conditions are given for land title registration for all groups of people. In the customary sector, women and migrants' access and control of land are limited. An affirmative action in the land administration strategies would better ensure the tenurial security of women and the vulnerable. The customary obligation of traditional authorities to ensuring land is available to the vulnerable should be encouraged and enforced. Land policy formulation and implementation should involve the active participation of the vulnerable and/or should take cognisance of the vulnerable groups.

6.3 Capacity and Logistic Strengthening of Land Institutions

The study revealed that state land agencies especially in the region were inadequately staffed and lacked the necessary logistics to carry out their duties. It is therefore recommended that in-service training to enhance the capacities of personnel as well as the engagement of trained personnel should be encouraged. Modern equipment should be acquired for these institutions. Traditional institutions should have secretaries to record customary land transactions in their areas, as this was recorded to be the main cause of land insecurity.



6.4 Improved Institutional Collaboration

State institutions especially should be more efficient and collaborate more with each other in their work. This will eschew the detested bureaucracy and delay associated with these institutions. Land Administration policy dialogue between state and traditional institutions is encouraged.

6.5 Decentralisation of State Land Institutions

State land institutions should be decentralised to the district levels and work closely with Paramount, Divisional and Sub-Divisional community leaders. Few of the state land institutions have district offices. Interested people wanting to register land would have to travel to Wa repeatedly to do that. This makes land title registration expensive and therefore inaccessible to the poor and marginalised groups.

6.6 Fostering Innovations in Customary Land Secretariats

The Customary Land Secretariat (CLS) concept of LAP could be a key in harnessing innovations for improved land tenure security for the poor if it is supported to be innovative and research oriented. LAP should facilitate CLS to explore their own system of local land administrative systems taking in cognisance the vulnerable and women. These can be done through advocacy, community partnerships and periodic reviews evolving community land administration systems. These evolved community land institutions could then be galvanised into District wide or Paramount-wide land policies and eventually in regional and national land administration policies. LAP therefore should not be too rigid in ensuring that CLS follow LAP's prescribed formats.

6.7 Registration of Customary Land Interests

The study found out that customary land administration was still the most preferred form of land tenure that best protects the rights of the vulnerable. However, the main source of insecurity is the lack of documentation of land transactions. It is therefore recommended that customary interests in lands should be recorded in corporate Families or Clans or Tindana names and using community affordable means instead of the expensive land titling as is done now.

All in all, the study recommends an active collaboration of all stakeholders in land administration policy formulation, review and implementation at the community through to the national level.



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APPENDIX A

Structured Questionnaire for Study Communities

INTRODUCTION

Dear Respondent,

This survey is to solicit your opinions on the above topic with the view of exploring and/deepening the security of land tenure for the rural poor and marginalised.

It is also towards the award of a Master of Philosophy Degree in Development Studies.

Kindly be assured of your confidentiality in the responses you give. Thank You.

A. General Information

- Name of interviewer.....
- Questionnaire No.....
- Date of Interview.....
- District.....
- Traditional Area.....
- Community.....
- Name of interviewee.....

B. Socio-Demographic Characteristics

1. Sex.....

- 01= Male []
02= Female []

2. Age.....

- 01= Below 30 Years []
02= 30-55 Years []
03=56-70 Years []
04=70 + []

3. Marital Status...

- 01= Married []
02=Divorced []
03=Never married []

4. Residential status:

- 01=Native []
02=Migrant/settler []



5. Status in the Community:

- 01=.Chief ☐
- 02= Tendana ☐
- 03= Clan head ☐
- 04=.Magazia ☐
- 05= Household Head ☐
- 06= Others Specify..... ☐

6. Occupation. *Tick where applicable.*

- 01=Farming ☐
- 02=Hunting ☐
- 03=Fishing ☐
- 04=Charcoal production/Fuel wood hewing ☐
- 05=Others (Specify)..... ☐

7. Level of Formal Education:

- 01= Never Attended School ☐
- 02= Basic Level (JHS) ☐
- 03= Vocational/Technical ☐
- 04= SHS/Vocational Level ☐
- 05=Post Secondary ☐
- 06=Tertiary Level ☐

C. Perceptions of Land and Land Tenure Security in Study Area

8. What do you understand by Land in this community?

- 01= Natural Resource for cultivation only ☐
- 02= Land, Trees, waters and all other physical resources found therein only ☐
- 03=An embodiment of spirits/gods only ☐
- 04=Land, trees, rocks, waters and the spirits therein ☐
- 05= Others (Specify)..... ☐

9. What does one possession of land symbolise in this community?

- 01= A source of livelihood ☐
- 02= An acceptance of people and spirits of the community ☐
- 03= A sign of a wealth ☐
- 04= A sign belonging to the community ☐

10. What is the land tenure arrangement in this community?



- 01= Cultivation rights to land also means rights to access trees, clay and other physical resources found on the said parcel of land []
- 02= Land use rights are limited to the specific purpose for which land was requested for []
- 03= Any Other.....[]

11. What is your assessment about the ownership and control of land by the following groups of people in the community?

- 01= Chiefs and Elders []
- 02= Tindana and Family []
- 03= Magazia and Women []
- 04= Youth []
- 05= Migrants []

(Assess as follows: 1= Very Strong; 2= Strong; 3=Fair; 4=Weak; 5= Very Weak)

12. What is your understanding of land tenure security?

- 01= Uninterrupted use of land by community norms []
- 02= Clarity of rights of land use between landlord and tenants []
- 03= Clarity of boundaries, land use rights and duration []
- 04= Sustainable management of land []
- 05= Easy access to land for whatever purposes []

(NB:More than one answer allowed)

13. What do you think is the level of land tenure security for the following groups in this community?

- 01= Chiefs and Elders []
- 02= Tindana and Family []
- 03= Magazia and Women []
- 04= Youth []
- 05= Migrants []

(Assess as follows: 1= Very Strong; 2= Strong; 3=Fair; 4=Weak; 5= Very Weak)

14. What is your assessment about the following statements in your community?

(Assess as follows: 1= Very True; 2=True to an Extent; 3=False)

- 01= Access to land by all groups of people is not a problem []
- 02= Migrants and other tenants find it difficult growing tree crops because of land tenure arrangements in community []
- 03= Access to fertile lands by women especially is limited []
- 04= Lands in community are largely controlled by family heads []
- 05= Community chief's role in the appropriation of lands is strong []
- 06= The Tindana is the spiritual head of all lands in community []

- 07= Women's continuous to land depend on their marital status and number of male children ☐
- 08= To a large extend, poverty and poor agricultural cultivation methods are as result of the land tenure system

D. Assessment of Security of Land Tenure Under Customary Land Tenure System

15. What is the prevalent form of land tenure in this community?

- 01= Traditional or Customary ☐
- 02= Statutory ☐

16. Indicate your view about the following statements about customary land tenure system as practised in this community?

- 01= The lack of written records is a serious threat to land tenure security ☐
- 02= Women and the poor have better land rights under customary land tenure systems than under the statutory land system ☐
- 03= Customary land tenure does make easily accessible to strangers ☐
- 04= Customary land administration is outmoded and should give way to modern land administration
- 05= Customary land administration if supported with written records by community institutions would be the preferred system for all including the poor and women ☐
- 06= Customary land tenure is inexpensive in both time and cost as compared to other regimes and therefore a better system for the poor ☐
- 07= Customary land tenure normally does not clearly indicate the duration and rights of land use to the tenant making it very an insecure system ☐
- 08= Customary land tenure does not make room for women and the poor in community ☐
- 09= Customary land tenure deals with spirituality and rituals which are irrelevant today ☐
- 10= Customary land tenure systems can be improved for greater land tenure security only by community institutions ☐
- 11= Low agricultural productivity in apart from the weather vagaries is as a result of the customary land tenure system ☐

(Indicate as follows: 1= I strongly Agree; 2=I Agree; 3=I strongly Disagree;4=I disagree; 5=I do not know)





E. Traditional and Modern Institutions Collaboration in ensuring Land Tenure Security

17. To what extent are the following Community Traditional Institutions involved in your community land administration and management?

(Indicate as: 1= strongly involved; 2=Involved; 3=Not Involved at all)

- | | |
|---------------------------------------|-----|
| 1. Chief and Elders | [] |
| 2. Tindanas | [] |
| 3. Magazias | [] |
| 4. Clan/sectional /family heads | [] |
| 5. Soothsayers/ Medicine men/Diviners | [] |
| 6. Youth groups | [] |
| 7. Rain makers | [] |
| 8. Others specify..... | [] |

18. To what extent are the following Government agencies involved in your community land administration?

(Indicate as: 1= strongly involved; 2=Involved; 3=Not Involved at all)

- | | |
|---|-----|
| 01= The Lands Commission | [] |
| 02= The Survey Department | [] |
| 03= The Land Valuation Board | [] |
| 04= The Town and Country Planning | [] |
| 05= The Administrator of Stool Lands | [] |
| 06= The Land Administration Project Secretariat | [] |

19. In your view what is the level of collaboration between tradition and modern institutions in the administration of lands in your community?

- | | |
|--------------------------|-----|
| 01= Strong collaboration | [] |
| 02= Weak collaboration | [] |
| 03= No collaboration | [] |

20. Do you think security of land tenure for the poor and marginalised would be improved by state intervention in land administration?

- | | |
|---------|-----|
| 01= Yes | [] |
| 02= No | [] |

21. In your opinion, appraise the following partnership arrangements in ensuring security of tenure for the rural poor?

(Appraise as: 1=Very Good; 2=Good; 3=Bad)

01= Customary land tenure system should be entirely replaced by statutory land tenure arrangements

[]

25. What do think can be done in this community to improve the security of land tenure for the poor and vulnerable groups like women and migrants?

01=

02=

03=

Thank You.



APPENDIX B

Structured Questionnaire for Traditional and Formal Institutions

10. Rank the following statements according to your opinion about the causes of land tenure insecurity

- | | |
|--|-----|
| 07= Corruption and bureaucracy by state land agencies | [] |
| 08= Corruption and inconsistency of traditional institutions | [] |
| 09= The increasing commercialisation of land | [] |
| 10= Any Other..... | [] |

11. To what extent are the following groups negatively affected by the present state land tenure insecurity?

(Rank as: 1= Badly Affected; 2= Moderated affected; 3= Not affected; 4= positively affected)

- | | |
|-----------------------------|-----|
| 01= Chiefs and Elders | [] |
| 02= Clan and Family heads | [] |
| 03= Women | [] |
| 04= Youth | [] |
| 05= Migrants/settlers | [] |
| 06= The affluent | [] |
| 07= The formally uneducated | [] |

C. Traditional and Formal Institutional Collaboration

12. How would you describe the level of collaboration between traditional and formal institutions on land policy and implementation issues in the country?

- | | |
|--------------------------|-----|
| 01= Strong collaboration | [] |
| 02= Weak collaboration | [] |
| 03= No collaboration | [] |

13. Traditional institutional participation particularly in the formulation of LAP is very limited

- | | |
|--------|-----|
| 01=Yes | [] |
| 02=No | [] |

10. Rank the following statements according to your opinion about the causes of land tenure insecurity in the region?

14. In your opinion, appraise the following partnership arrangements in ensuring security of tenure for the rural poor?

(Appraise as: 1=Very Good; 2=Good; 3=Bad)

- 01= Customary land tenure system should be entirely replaced by statutory land tenure arrangements []
- 02= State agencies should only facilitate traditional institutions to record community customary land transactions []
- 03= Partnerships should be limited to the training of traditional institutions in the mapping, zoning, demarcation and recording of customary land transactions []
- 04= Advocacy by state agencies for customary land reforms in favour of the poor and marginalised []
- 05= Fees for state institutions should be the same as in traditional institutions []
- 06= State institutional involvement should be optional []
- 07= Traditional institutions should administer land transactions without state intervention []
- 08= Both customary and statutory land tenure systems should be allowed to run concurrently []
- 09= Both traditional and formal institutions should collaborate effectively to land tenure better secured for the poor and vulnerable. []
- 10= Customary land administration alone can protect the land rights of the poor and marginalised in their various communities without state intervention []

D. LAP and Security of Land Rights for the Poor

15. Comment on the following statements;

(Comment as: 1= True; 2= Don't Know; 3=False)

- 01= LAP is a better alternative than customary land tenure system []
- 02= Titling and registering all land community land interests would make land tenure secured for all land interest groups []
- 03= LAP is an administrative reform and not a land tenure reform, therefore land tenure insecurity for the poor would not change under LAP []
- 04= LAP is too ambitious a program to succeed []
- 05= Customary Land Secretariats of LAP would record land interests in favour of existing landlords []
- 06= Demarcation and bordering of community lands is not necessary to ensure land tenure for the poor []
- 07= LAP only seek to demarcate and record community land interests, protecting the land rights of the poor therefore depends on the existing community land arrangements. []
- 08= LAP will entrench the existing land insecurity state of the poor []
- 09= LAP will be too expensive for the poor to register their land interests []
- 10= There is no special package for the poor under LAP []

APPENDIX C

Semi-Structured Interview Guide

Dear Respondent,

This study is to solicit your opinions on the above topic with the view of exploring and/strengthening the security of land tenure for the rural poor and marginalised in the Upper West Region.

It is a survey towards the award of a Master of Philosophy Degree in Development Studies. Kindly be assured of your confidentiality in the responses you give. Thank You.

H. General Information

- Name of interviewer.....
- Questionnaire No.....
- Date of Interview.....
- District.....
- Traditional Area.....
- Community.....
- Name of interviewee.....

A. Socio-Demographic Characteristics

1. Sex.....

- a. 01= Male []
- b. 02= Female []

2. Age.....

- a. 01= Below 30 Years []
- b. 02= 30-55 Years []
- c. 03=56-70 Years []
- d. 04=70 + []

3. Marital Status...

- 01= Married []
- 02=Divorced []
- 03=Never married []

4. Residential status:





- 01=Native []
 02=Migrant/settler []
5. Status in the Community:
 01=.Chief []
 02= Tendana []
 03= Clan head []
 04=.Magazia []
 05= Household Head []
 06= Others Specify..... []
6. Occupation. *Tick where applicable.*
 01=Farming []
 02=Hunting []
 03=Fishing []
 04=Charcoal production/Fuel wood hewing []
 05=Others (Specify)..... []
7. Level of Formal Education:
 01= Never Attended School []
 02= Basic Level (JHS) []
 03= Vocational/Technical []
 04= SHS/Vocational Level []
 05= Post Secondary []
 06= Tertiary Level []

B. Perceptions of Land Tenure Security

8. . What is the dominant land tenure system in the region?

9. What do you think are the strength(s) and weakness(es) of above dominant land tenure system in ensuring the security of land tenure for the poor and vulnerable in the region?
 a. Strength(s)

10. Weakness(es)



11. What is your understanding of land tenure security?
.....
.....
.....
.....

12. What do you think are the causes of land tenure insecurity in the rural parts of the region?
.....
.....
.....
.....

13. Describe the general land tenure security situation of the region for vulnerable groups like women, migrants and the poor.
.....
.....
.....
.....

14. List the causes of land tenure insecurity in this region in your view?
.....
.....
.....
.....

15. What do you think can be done by both Government Organisations and Non-Government Organisations to remedy the causes you have enumerated in Q.3 above and also improve the land tenure security of the poor and marginalised? What can be done by;

a. Government Organisations?
.....
.....
.....
.....

b. NGOs?
.....
.....
.....
.....

c. Traditional Leaders?
.....
.....
.....
.....

d. The Poor and Vulnerable Groups like Women and migrants in the society?
.....
.....



.....
.....
.....

C. Traditional and Formal Institutional Collaboration

16. What is your assessment of the collaboration between state and traditional institutions in ensuring land tenure security for the rural poor and marginalised?

.....
.....
.....

17. Do you think there is the need for this collaboration to continue?

a. Yes.....

b. No.....

18. If you answered 'yes' in Q6, what do you think can be done by traditional and formal Institutions to improve the land tenure security of the rural poor?

a. By Traditional Institutions

.....
.....
.....
.....

b. By Formal Institutions

.....
.....
.....
.....
.....

19. If 'No' in Q6, Why and what do you think should be done alternatively?

.....
.....
.....

20. What do you think are the shortfalls of both the formal and traditional Institutions in improving the security of land tenure for the rural poor and marginalised groups?

a. Shortfalls Traditional Institutions

.....
.....
.....
.....

b. Shortfalls of Formal State Institutions

.....
.....
.....
.....

.....
.....
23. Do you think State Institutions on their own can protect the land tenure rights of the rural poor?

- a. Yes.....
- b. No.....

24. Why do you think so?

.....
.....
.....
.....

D. LAP and the Land Tenure Security

25. Have you any knowledge about LAP?

- a. Yes
- b. No.....



26. If 'YES' outline the strengths and weakness of LAP as a security of land tenure measure for the rural poor and marginalised?

a. Strength(s)

.....
.....
.....

b. Weakness(es)

.....
.....
.....
.....

Recommendations

27. What recommendations would you make to ensure the land tenure security rights of the poor and marginalised in society?

.....

.....

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.....

.....

.....





APPENDIX D

Focus Group Discussion Guide

1. Perceptions of land tenure security

- Probe into the various opinions of land tenure security by each focus group
- Solicit group's criticisms and appraisals of customary land tenure and the present land administration system.
- Investigate the extent of land tenure insecurity per their perceptions for marginalised groups like women, widows, migrants/settlers, herders and youth and well as that of community indigenes, Chiefs, landlords/clan heads/household heads.
- Explore focus group's view about need and modalities of improving the land tenure security situation of the marginalised

2. Traditional and Formal Institutional Collaboration

- Assess group's opinion about the collaboration between the two streams of institutions in community land administration and whether there is the need for this collaboration to continue
- Determine the group's fears, hopes and aspirations of the two institutions (formal and informal) in ensuring land tenure security for the poor.

3. LAP and Land Tenure Security

- Probe into focus group's general perception of LAP as land tenure security measure for the poor and marginalised by
 - i. Investigate focus group's view on LAP's concepts of
 - 1. Land Demarcation and title registration
 - 2. Community Land Secretariats
 - 3. One-Stop-Shop

Investigate on costs, time, distance, cultural compatibility and community participation as well as sustainability issues on each of the concepts.

- ii. Identify focus group's general fears and hopes about LAP?
 - iii. Ascertain the option of community-Oriented strategies of ensuring land tenure security.
- 4. Solicit focus group's recommendations of ensuring sustainable land tenure security for the poor and marginalised groups in the region.