



GHANA LAND POLICY ACTION NODE

Policies that work 4 land

AGRA LTPR RISK ASSESSMENT TOOL: IMPLEMENTATION GUIDELINES

December 2013



Authors: Jennifer Duncan, Reem Gaafar, Michael Lufkin

I. Overview

This memo presents implementation guidelines for a land tenure risk assessment tool developed as part of the Ghana Land Access and Tenure Security Project, an initiative by the Alliance for a Green Revolution in Africa (AGRA). The tool was developed by Landesa attorneys, with significant support from members of the Ghana Land Policy Action Node, and tested in Ghana's Northern Region in May 2013.

The land tenure risk assessment tool is composed of eight basic components, each of which is described in further detail below:

1. Desk research report
2. Outline of key issues and indicators
3. In-country questionnaire guidelines
4. In-country research strategy
5. Applied LTPR risk assessment
6. Written assessment report
7. Snapshots
8. Validation of findings

The assessment tool presented in this memo is a process designed to identify risks to land tenure and property rights in the assessment region and highlight issue areas where policies or programming are needed to strengthen tenure security. The assessment uses rapid rural appraisal methods, and is designed to gather a large amount of information in a relatively short period of time. Findings will be used to inform the Land Policy Action Node's interventions and programs to support greater land tenure security for smallhold farmers and women in the Northern Region over the remainder of the three-year Land Access and Tenure Security Project (LATSIP). This application of the assessment and findings demonstrates the potential use of the tool as a means for identifying policy gaps and developing appropriate programming to fill those gaps. The tool also has potential for use in guiding stand-alone assessments of land tenure security in particular communities or regions, and can also be used to gather baseline information.

The remainder of this memo describes each component of the tool, explaining its purpose, how it was used in the Northern Region assessment, and potential uses.

II. Tool Components

1. *DESK RESEARCH REPORT*

Northern Region Risk Assessment

The first step in the assessment was the drafting of a desk research report on land governance and risks to secure land tenure and property rights in the Northern Region and the country as a whole, written by Landesa attorneys, with input from Ghana Land Policy Action Node members, earlier in 2013. This report served as the basis for the outline of key issues and indicators, which was then used to develop the questionnaire guidelines used during the in-country assessment.

Compiling secondary research on the LTPR governance framework and challenges in the area of study is an important first step in developing the risk assessment tool. However this preliminary research process should include consultation with country experts and the findings would ideally be reviewed by colleagues with significant land-related experience in the country or region. Specific areas of focus will vary depending on the context, but research should, at minimum, cover:

- General background of the region, including population trends, the local economy and primary sources of income/employment;
- An overview of land use in the region, including prevalent farming models;
- Formal land governance framework, including relevant laws and institutions;
- Informal/customary land governance framework, to the extent that customary tenure exist in the area;
- Gender disparities in land rights or tenure security, under both the formal and customary systems;
- Known sources of tenure insecurity in the area (e.g., unclear land rights, peri-urban growth, commercial investments in land etc...); and
- Recent/current government interventions in land, as well as existing CSO/NGO projects in the region related to land.

The desk research report will serve as the foundation for development of the rest of the assessment, so it is critical that thorough research is done to identify key LTPR issues in the region that should be explored during the in-country assessment.

How can this step be adapted for other contexts?

The desk research report will necessarily cover different issues in different countries and regions. The basic elements listed above should always be examined, but the information highlighted under each will depend on the context.

In the Northern Region: The desk research report provided background information on land governance in Ghana and the Northern Region for team members prior to the in-country assessment. Following the in-country assessment, the desk research report could be updated to reflect in-country findings. It could also act as a profile of LTPR governance in the Northern Region and be updated periodically to reflect changing conditions.

In other regions of Ghana: Much of the desk research report for this assessment focuses on land governance in Ghana at the national, rather than regional, level. Because of this, it could serve as the basis for reports on other regions of the country, with the Northern Region-focused sections adjusted accordingly.

In other countries: The attached desk research report may serve as a useful guide to help start research on other countries but, as noted above, the areas of focus will change depending on the context (e.g., in another context, the desk research may need to focus less on customary governance structures and more on the work of formal institutions).

APPENDIX 1: BACKGROUND RESEARCH REPORT ON LAND TENURE SECURITY IN NORTHERN GHANA

2. OUTLINE OF KEY ISSUES AND INDICATORS

Northern Region Risk Assessment

The desk research report provided the basis for a list of key LTPR issues in the Northern Region and corresponding indicators were developed corresponding for each. A full outline of key issues and indicators was then developed to summarize the topical areas for exploration in the land tenure and property rights risk assessment exercise, which served as the basis for the in-country questionnaire guideline.

Through the research process, key LTPR issues in the region should begin to emerge. By the time the desk research report has been finalized, researchers will have enough information to be able to identify the relevant themes and issues to be explored during the in-country assessment. These should include general themes, such as land allocation and ownership patterns, as well as issues specific to the area,

such as the impact of out-migration in the Northern Region of Ghana. Key themes and issues should be compiled into a clear outline that will guide the development of the in-country questionnaire guideline.

Ideally, the key issues and indicators outline should include:

- Key stakeholders/stakeholder groups to be interviewed;
- Cross-cutting themes to be considered throughout the assessment;
- General issue areas and relevant indicators; and
- Any additional issues to be explored where relevant.

How can this step be adapted for other contexts?

The format of the outline of key issues and indicators will stay fairly consistent across contexts, although the substance will obviously depend on the assessment region.

In Northern Ghana: The existing outline, like the desk research report, could be updated based on the findings of the in-country assessment and then used as the basis for development of future assessments in the Northern Region.

In other regions of Ghana: Most of the attached outline is likely to apply to other regions of Ghana. Once desk research was completed, the Northern Region outline could be adjusted for assessments in other regions.

In other countries: The substance of the outline will necessarily change for assessments in other countries, but the basic components listed above should be included.

**APPENDIX 2: ASSESSMENT TOOL FOR THE NORTHERN REGION OF GHANA,
PRELIMINARY DRAFT OUTLINE**

3. *IN-COUNTRY QUESTIONNAIRE GUIDELINES*

Northern Region Risk Assessment

Using the outline and in consultation with Node members, the team drafted questionnaire guidelines for semi-structured individual and small group interviews in the Northern Region. These were tailored specifically for various stakeholders, including customary officials, land sector agencies, NGOs, and community members (including separate questionnaires for male smallholder farmers (head of households), youth farmers, women heads of households, women living within male-headed households, and “stranger” farmers).

Once key issues and indicators have been identified, they will form the basis for the development of an in-country questionnaire guideline. Note that although the guidelines should be fairly detailed, they are intended as preparatory agents for semi-structured interviews, rather than as an interview tool to be followed verbatim in each case.

To create the guidelines, the team identified the issues and indicators created in the previous exercise, developed them further, and organized a series of “snapshots,” each of which highlighted a different key issue. The “snapshots,” which will be described in more detail below, are a visual representation of the strength of different rights among different stakeholder groups, with each major issue area separated into individual indicators that can then be rated. To develop the questionnaire guidelines, the researchers should look to the indicators under each snapshot and draft questions intended to get to the heart of each issue.

For example, the snapshot “Land Rights Security” is separated into several indicator categories (e.g., “land rights are recognized”), each of which is further subdivided (e.g., “their rights are recognized by the community”; “their rights are recognized by statutory law”). To create the questionnaire guideline for this assessment, the Landesa team considered the information that would be needed to gain a full understanding of whether community members’ rights are recognized by the community at large, or by statutory law, and so on, and then drafted questions that could be used to gather that information in a small group interview setting.

Both the draft snapshots and the questionnaire guidelines were reviewed by a senior research, monitoring and evaluations specialist at Landesa, whose recommendations were integrated into the final documents. This helped to ensure the integrity of the assessment, while input from gender specialists was integrated into the questionnaire guidelines to make sure that LTPR issues specific to women were not overlooked.

How can this step be adapted for other contexts?

In Northern Ghana: The same questionnaire guideline can be implemented in other communities in the Northern Region to compare tenure security across the region and identify challenges and appropriate interventions. The questionnaire guidelines could also be used in future assessments of the same communities to identify changing trends.

In other regions of Ghana: The questionnaire guidelines for this assessment could be used in other parts of the country with some adjustment. Basic categories of questions related to land rights security would likely remain the same across the country, although the guidelines would have to be revised to incorporate questions related to land issues unique to the region.

In other countries: The process for development of the questionnaire guideline will remain the same in other countries. It requires the preliminary steps of desk research, identification of key issues, and the development of “snapshots”, all of which will inform the drafting of questions for the guideline.

APPENDIX 3: LANDESA/AGRA RISK ASSESSMENT QUESTIONS

4. IN-COUNTRY RESEARCH STRATEGY

Northern Region Risk Assessment

Preparation of the in-country research strategy was a collaborative effort between Landesa and two Node partners: the Community Land and Development Foundation (COLANDEF) and the Kwame Nkrumah University of Science and Technology (K.N.U.S.T.). The team worked together to develop a two-week research strategy to apply the LTPR assessment in the Northern Region. This included a preparatory visit to the region by COLANDEF staff to request audiences with key stakeholders and to work with CLS coordinators and others to organize meetings and interviews for the risk assessment. The final research strategy was composed of three parts: (1) initial implementation guidelines, (2) implementation strategy, and (3) itinerary for LTPR risk assessment.

The in-country research strategy, which will guide the risk assessment, can take many forms but the final strategy should clearly identify the selected communities for the assessment and the in-country research plan. For this assessment, Landesa attorneys first developed initial implementation guidelines, providing the basic parameters of the assessment methodology. The guidelines described the preferred size of groups for interviews, the estimated number of communities and groups to be interviewed, and

factors to be considered in community selection, all of which was drawn from the preceding tool activities. The Landesa team then shared the guidelines with Node partners, who used them to select communities and develop an implementation strategy that described each of the selected communities, noting the reasoning behind their selection and the types of interviews to take place at each location. Node partners then operationalized the implementation strategy in the form of a detailed itinerary providing a full schedule of interviews for the two week in-country assessment.

While it may not be necessary to follow this precise process in the development of the research strategy, an important feature to note is that there was an iterative process between NODE members to refine the strategy that contributed to the overall success of the Northern Region assessment. The strategy also allowed for some flexibility, allowing the team to conduct unplanned interviews as new opportunities arose.

How can this step be adapted for other contexts?

The in-country research strategy will change with each assessment and will depend on the regional context and the focus of the particular assessment. However, the basic implementation guidelines and strategy could be used as the basis for a research strategy in subsequent assessments in the Northern Region.

APPENDIX 4: Implementation guidelines; Implementation strategy; Itinerary

5. APPLIED LTPR RISK ASSESSMENT

Northern Region Risk Assessment

The team visited six communities in four CLS areas in the Northern Region between May 02, 2013 and May 15, 2013. The risk assessment team consisted of three lawyers from Landesa (Jennifer Duncan, Michael Lufkin and Reem Gaafar), Dr. John Bugri from K.N.U.S.T., and Ernest Eshun and Prince Young Aboagye from COLANDEF. Dr. Nana Ama Yirrah from COLANDEF also participated in the assessment for the first two days.

The applied LTPR risk assessment relies on rapid rural appraisal methods in order to extract a large amount of information in a relatively short period of time. The in-country assessment consisted of two types of interviews: key informant interviews with customary leaders, representatives of land sector agencies, local government officials, NGO/CSOs active in the area, members of farming cooperatives, and group interviews of individual farmers in each of the six communities. For group interviews, the

groups were generally separated by gender and social status (strangers vs. indigenes) in order to ensure the interviewees felt comfortable speaking out about issues that could be considered sensitive.

The interviews were semi-structured, with the questionnaire guidelines serving as a general roadmap rather than a strict interview script. At least two team members were present at each of the interviews. Team members hand-recorded findings from the semi-structures interviews, analyzed and cross-checked findings during daily team meetings, and typed up all notes so that a written record was maintained. The team hired and worked with local interpreters in each location.

How can this step be adapted for other contexts?

In Northern Ghana: This assessment can serve as a baseline for future assessments of land tenure risks in the Northern Region.

In other regions of Ghana: Although the in-country assessment would presumably produce different results in other regions of Ghana, the issues highlighted in the Northern Region assessment provides a baseline against which to compare land tenure issues in other parts of the country.

In other countries: Assessments in other countries could utilize the same interview structure used in the Northern Region assessment (key informant and group interviews), but adjustments to the methodology may be needed based on several factors, including the size of the region and ease of transport between communities and the diversity of customary practices in the region (which could require visiting a larger number of communities).

6. WRITTEN ASSESSMENT REPORT

Following the in-country assessment, the Landesa team compiled a written assessment report as a mechanism for analyzing and communicating the key findings of the research. The team reviewed the full written record of notes from the two week assessment and analyzed the security of land rights in the region through 5 lenses: (1) allocation/acquisition of land rights, (2) recognition/recording of land rights, (3) security of land rights and access to land, (4) conflicts, dispute resolution, and enforceability of land rights, and (5) decision-making. Within each category, Landesa attorneys provided an overview of the process involved in exercising the right and overarching issues, before examining effects on specific stakeholder groups - men, women, migrants, and peri-urban smallholders – in order to highlight differing levels of tenure security among different groups.

The assessment report also covers specific threats to land tenure security in the region, including issues arising from the institutional land governance structure, compulsory acquisition, large-scale land acquisitions, and the authority of traditional leaders and customary land secretariats over land.

Within each section, the assessment report includes recommendations for addressing gaps in implementation and threats to tenure security. Recommendations fall under three major categories – (1) laws, policies and regulations, (2) institutional improvements, and (3) education and awareness

efforts – and are aimed at formal institutions, customary authorities, NGOs/CSOs, and smallholder farmers.

How can this step be adapted for other contexts?

In Northern Ghana: The written assessment report serves as a baseline study of land tenure security and risks in the Northern Region, and can be used to develop interventions and programming aimed at improving tenure security and addressing the issues that arose in the assessment. The report can also serve as an advocacy tool to encourage government action to address land tenure issues, as well as a baseline against which to compare future assessments in the region.

In other regions of Ghana: The land tenure risks noted in this report are not unique to the Northern Region. However, if similar assessments are conducted in other regions of Ghana, the findings could be compared across regions and potentially used to identify sources of tenure insecurity and methods for mitigating the risk.

In other countries: The written report produced as part of the Northern Region risk assessment could serve as a comparative tool when assessing tenure security in other countries, particularly other AGRA breadbasket countries.

**APPENDIX 5: DRAFT LAND TENURE RISK ASSESSMENT REPORT FOR
THE NORTHERN REGION OF GHANA**

7. SNAPSHOTS

Northern Region Risk Assessment

The snapshots convey a quick visual picture of LTPR risks in Northern Region as identified in the research. They contain color-coded indicator boxes based on the outline of key issues and indicators developed in step (2), and adjusted per the findings. The Landesa team did an initial scoring, drawing on its comparative experience with LTPR risk identification in a wide variety of other countries and socio-economic contexts, then incorporated critical input from COLANDEF team members and Dr. Bugri.

The LTPR snapshots developed for this risk assessment tool provide an easy-to-understand visual “snapshot” of land rights issues in the assessment area. Initially drafted in conjunction with the questionnaire guidelines, based on the outline of key issues and indicators, the snapshots also served as an initial research guide for the development of the in-country assessment. See discussion under point

(3) above. Each snapshot covers a general substantive research area (in this case, Land Rights Security, Land Deals, Institutional Capacity, and Needs and Opportunities). Each snapshot contains a number of subcategories, each of which includes a chosen set of indicators. The team then used these draft snapshots to guide development of the questionnaire guidelines.

Following the in-country assessment, the snapshots become a tool to visually represent the assessment findings. Following the review and analysis of findings and drafting of the written assessment report, the team assigned color-coded scores to each indicator. The team entered separate scores for each of four stakeholder groups – men, women, strangers, and peri-urban farmers. By separating the scores, the team was able to use the snapshots to highlight the varying degrees of tenure security between groups.

The color-coding of the snapshots, the final step of the risk assessment tool, is a necessarily subjective exercise, based on both individual and collective interpretations of the findings. To ensure accuracy, the scoring should be a collaborative process, allowing team members to make initial scoring determinations individually, based on personal perception following a review of the findings, but also incorporating time for discussion and review by the full team before finalization.

How can this step be adapted for other contexts?

In Northern Ghana: The LTPR snapshots can be used as a baseline for future risk assessments in the region. They are also a useful advocacy tool, as they provide a clear visual representation of significant issues and gaps in policy and implementation. The disaggregation of scores by stakeholder groups is particularly useful for highlighting issues affecting specific vulnerable groups.

In other regions of Ghana: As with other components of the tool, the snapshots can be a useful comparative tool to demonstrate differences in tenure security across the country. However, the specific issue areas should be adjusted to reflect issues prevalent in the assessment area.

In other countries: The Northern Region assessment snapshots are a good example of how this element of the tool can be developed and used, but they would have to be adjusted to reflect the issues present in other contexts. For example, a snapshot on land deals will not be necessary in a region where no large-scale land acquisitions are occurring, while a snapshot on the effects of climate change may be needed in a country where climate change is having a significant effect on farming. Key stakeholder groups will also need to be adjusted to reflect vulnerable groups in the region/country.

APPENDIX 6: DRAFT SNAPSHOTS FROM NORTHERN REGION RISK ASSESSMENT

8. VALIDATION OF FINDINGS

Northern Region Risk Assessment

Following the completion of the draft assessment report, Ghana-based Node partners held two validation workshops, at the regional and national levels, where assessment findings were shared and discussed with key stakeholders. The first, held in the Northern Region capital of Tamale, targeted project beneficiaries and stakeholders in the project area, including representatives of formal and informal institutions involved in land administration. The national workshop was held in Accra and targeted institutional stakeholders and policymakers in the land sector. In both workshops, findings from the assessment were presented to participants and questions, comments and feedback were solicited. The findings of the validation workshop were compiled in a written report and incorporated into the final assessment report and snapshots.

After assessment findings have been analyzed and documented in the assessment report and snapshots, it is important to validate those findings in some way to ensure that they are an accurate reflection of the on-the-ground situation. Ideally, the report and snapshots should be presented to key stakeholders, including project beneficiaries, institutional actors, and local NGOs/CSOs involved in land-related work, and their feedback should be solicited and incorporated into the final assessment report and snapshots. To the extent possible, validation activities should target a broad array of stakeholders in order to make sure that a variety of groups are represented.

APPENDIX 7: REPORT ON VALIDATION WORKSHOPS ON FINDINGS FROM LTPR RISK ASSESSMENT EXERCISE

3. Looking Forward

The LTPR risk assessment tool provides a fairly flexible way for researchers to identify and understand key policy impediments to land tenure security in a given region in a relatively short period of time. While the process will not lead to a detailed understanding of all land tenure issues in the region, and does not allow the researchers to gather quantitative data, if implemented properly it will enable the researchers to gain a broad understanding of key land tenure risks and gaps in policy and practices. Researchers can then use this information to identify needed laws, policies, and programs to improve tenure security and allow land users and the country as a whole to reap the many benefits associated with secure tenure.

As noted above, there are many potential uses for this risk assessment tool. In the Northern Region, the outcomes can serve as a baseline assessment of land tenure security against which to compare future

assessments in the region. The tool can also be used in other regions, and serve as a comparative tool to demonstrate regional variations across Ghana. The process described in this memo can also be used in other AGRA breadbasket countries to identify policy gaps and inform upcoming food and tenure security- focused programs. In addition, although this tool is intended as an early step to inform the programming of longer-term projects, it could also be used to conduct a stand-alone assessment of land rights in a specific community to identify problem areas and advocate for the needed reforms.

APPENDIX

1

APPENDIX 1: DESK RESEARCH REPORT

BACKGROUND RESEARCH REPORT ON LAND TENURE SECURITY IN NORTHERN GHANA

**Produced for the AGRA Land Access and Tenure Security
Project**

Reem Gaafar, Michael Lufkin and Jennifer Duncan

01 April 2013



Contents

I. INTRODUCTION	4
II. LAND USE AND GOVERNANCE IN GHANA	5
A. Overview of Land Uses.....	5
B. Land Governance.....	6
1. Dual Systems: Formal and Customary Governance	6
2. Classifications of Land	6
3. Tenure Types.....	7
4. Formal Legal Framework.....	8
5. Government Interventions in Land	10
C. Customary Land Governance in Northern Ghana.....	13
1. Customary Tenure in Ghana, Generally	13
2. Land Tenure and Customary Governance in Northern Ghana	14
III. WOMEN AND LAND.....	17
A. Legal Framework	17
B. Women’s Land Rights in Practice	17
IV. SOURCES OF LAND TENURE INSECURITY	18
A. Commercial Investments in Land.....	18
B. Other Sources of Tenure Insecurity.....	26
V. IMPACT OF LAND TENURE INSECURITY ON LOCAL COMMUNITIES.....	27
A. Food Insecurity	27
B. Displacement	28
C. Violent Conflict.....	28
D. Loss of Forest and Pasture Resources.....	29
E. Soil Degradation and other Environmental Damage.....	29
F. Lack of Employment Opportunities.....	29
VI. REMAINING QUESTIONS	30
VII. SOURCES.....	30

EXECUTIVE SUMMARY

This report provides background information on land governance and land tenure security in Northern Ghana. The report will be utilized to inform the development of a land tenure and property rights risk assessment tool that will be implemented in the areas in and around the AGRA Breadbasket Initiative area in Northern Region of Ghana. The report is limited to desk research, based mainly on publicly available primary and secondary sources.

The report begins with an introduction that provides background on tenure security generally, and then presents a summary overview of the formal and customary land governance systems in Ghana today. It then discusses the status of women's rights and access to land under both formal and customary governance systems. Next the report describes various factors contributing to increased tenure insecurity in Northern Ghana and the potential impacts of this insecurity on communities. The report concludes with a list of key questions which could not be answered from the desk research.

Why Tenure Security Matters

Tenure security is the certainty that a person's rights to land are recognized and protected. The impacts of tenure insecurity on local communities can be economic, environmental and social. Tenure insecurity often has a negative impact on agricultural production, and can therefore increase food insecurity. Violent conflict increases as resources become more strained. Communities may be displaced as their land is increasingly encroached upon. Women tend to be particularly vulnerable when tenure becomes less secure, as they often have less secure rights than men and are, therefore, the first to lose their rights as land becomes scarce. Women also lose access to valuable forest and pasture resources, which, in Ghana, have traditionally provided a key source of income on which women depend.

Formal and Customary Land Governance Systems

Two governance systems, formal and customary, interact and overlap in Ghana in ways that are complex and not always clear. Land falls under four main classifications: public, customary, private, and vested. Public lands, comprising 20% of Ghanaian land, are vested in the President of Ghana, who holds them in trust for the people of Ghana. Customary lands, comprising approximately 80% of Ghana's total land area, are legally vested in customary leaders who hold the land in trust for the benefit of that particular community. Private land consists of a small amount of private freehold land. There is also a small amount of land in Ghana for which land ownership is split between the state and traditional customary owners, and so falls outside of either classification. Though legal ownership rests with the government, the beneficial interest is held by the community. This land was traditionally customary land, but was vested in the government of Ghana for some reason (e.g., because rights to the land were contested

between multiple customary groups, requiring the state to step in). This type of land is known officially as “vested land.”

Ghana’s most recent round of land reform efforts began with the 1999 publication of the country’s first National Land Policy, which outlines a policy framework and guidelines, as well as several policy action items. In 2004, Ghana began implementation of the Land Administration Project (LAP or the Project), which seeks to reduce poverty and enhance economic growth through improved land tenure security, simplified land acquisition processes, prudent land management systems, development of a land market, and establishment of efficient and sustainable land administration, both formal and customary. The Project, now in its second phase, has tested several pilots and has succeeded in reaching some of its goals, including the consolidation of Ghana’s land administration under a single agency, the National Lands Commission.

Chiefs, earth priests, elders, clan heads, and family heads control and administer customary land in Ghana. Traditional rules determine distribution of land rights. In northern Ghana, customary communities can be categorized broadly as centralized and hierarchical or smaller and segmented. The hierarchical communities are generally based on a series of chiefs whose authority increases incrementally with each step up the hierarchy, while the segmented communities tend to be based on smaller family or clan groups.

Status of Women’s Rights and Access to Land

The Ghanaian Constitution prohibits discrimination based on gender and guarantees women’s rights to own and inherit property. However, although there has been recent progress on the part of traditional governance institutions, customary rules tend to discriminate against women in the area of property. Women’s access to land is often based on their relationships with male family members, such as fathers, brothers, and husbands. As land becomes increasingly scarce, women’s rights to access and use land are often eroded and their livelihoods threatened.

Sources of Tenure Insecurity in Northern Ghana

Increasing large scale investments in land are a major source of land scarcity and conflict in Northern Ghana. Investors lease land, for terms of up to 50 years, from traditional leaders and landowners, many of whom have reportedly accepted deals that benefit the leaders personally but harm the community as a whole by alienating large amounts of land without adequate compensation for or relocation of land users. Ghana’s current lack of regulations in this area,¹ coupled with the extensive authority of the chiefs to alienate community land, poses a serious threat to the land tenure security of customary community members. In many cases, landowners appear to have accepted extremely low rents for the land, with land users often receiving little or no compensation. In some of those cases, low rents were accepted in exchange for promises to invest in local infrastructure as well as provide jobs to local

¹ Draft guidelines on large scale land acquisitions for agricultural purposes are currently under consideration, although it is unclear whether and at what point they will be formally adopted.

community members, commitments which are often not honored. Most of these agreements are not well captured in documentation and are likely unenforceable. Other sources of tenure insecurity in Ghana include compulsory acquisition by the government without proper compensation, increased demand for land, and increasing urbanization.

I. INTRODUCTION

Ghana has a strong agriculture base with potential for vast improvements in production, although at this time it is heavily dependent on imports to meet basic food needs. Nearly 69% of land in Ghana is used for agricultural purposes, with 18% of the country's land considered arable and 15% of land used as permanent natural pasture. Major food crops include corn, yams and cassava, while commercial crops include cocoa, palm oil, rubber, sugar cane, cotton and tobacco. Despite the large proportion of land committed to agriculture, Ghana does not grow enough food to support its population; the country is only 63% self-sufficient in cereals production. A 2007 study by the Ministry of Food and Agriculture which compared actual yields of selected crops to potentially achievable yields found that yields for many crops could be increased by 200-300% with improved farming methods and effective agricultural extension services. (FAO 2006; Asante 2004; Library of Congress 1994; CIA 2011; WFP 2009.)

Food insecurity in Ghana is concentrated in the poorest regions, which include the Northern Region,² where 10% of the population is food insecure and 17% is considered at-risk (compared to an average of

Tenure security can be defined as the level of certainty that a person's rights to land will be recognized by others and protected in cases of specific challenges. People with insecure tenure face the risk that their land rights will be threatened by competing claims, and even lost as a result of eviction. Tenure security cannot be measured directly and is, to a large extent, what people perceive it to be. The attributes of tenure security may change from context to context. While in some parts of the world tenure security requires legal documentation, in others people may have secure land tenure without formal documentation. (FAO 2002.)

5% and 9%, respectively, for the country as a whole). Food insecurity is highest among people reliant on agriculture for their livelihoods, mainly smallholder farmers who face many constraints in their farming activities which limit their production levels. These constraints include: lack of access to credit; lack of access to farming inputs; women's lack of control over family assets; and, unclear land tenure systems. (WFP 2009.)

Tenure security, or the lack thereof, can have a significant effect on smallholder agricultural productivity, thereby affecting food security. Improved tenure has been linked to increased investments in land, as smallholders are more likely to make long-term investments to improve their land if they feel fairly certain that they will be able to reap the benefits of those investments. Secure tenure has also been shown to improve access to credit in some cases, in part because the land can be used as collateral for loans. Secure tenure can

² The Northern Region is one of three regions (Northern, Upper East, and Upper West) that form northern Ghana. This paper alternates between references to the Northern Region, in which case the information presented is specific to that Region, and "northern Ghana", to distinguish more general information that is not specific to the Northern Region.

therefore increase both landholders' *willingness* and their *ability* to make long-term investments in their land that will increase agricultural yields. (Roth 2010.)

This report provides background into land governance and land tenure security in Northern Ghana. The report will be utilized to inform the development of a land tenure and property rights risk assessment tool that will be implemented in areas in and around the Alliance for Green Revolution in Africa (AGRA) Breadbasket Initiative area in the Northern Region of Ghana. The report begins by presenting a summary overview of the formal and customary land governance systems in Ghana today. The report then discusses the status of women's rights and access to land under both formal and customary governance systems before describing various factors contributing to increased tenure insecurity in northern Ghana and the potential impacts of this insecurity on communities. The report concludes with a list of key questions which could not be answered from the desk research.

II. LAND USE AND GOVERNANCE IN GHANA

A. Overview of Land Uses

Ghana has made significant socioeconomic progress over the last two decades. Between 1992 and 2006, Ghana's poverty rate dropped from 52% to 28%; while the country's population grew by 6.9 million, the number living in poverty decreased by 1.8 million.³ Agriculture accounts for 54% of GDP and 40% of export earnings, and provides over 90% of the domestic food supply. Despite the robust economic growth and sustained efforts by the government to address rural poverty, an estimated 40% of the rural population continues to live below the poverty line. The majority of the rural poor reside in the drought prone Northern Region and are predominately rainfall dependent farmers. (World Bank 2011a; Oppong-Anane 2006.)

Agriculture in Ghana is generally based on a smallholder model, relying on traditional, rain-fed production methods. Average farm size is less than 1.6 hectares; sixty percent of all farms are smaller than 1.2 hectares, and only 15% of farms are above two hectares. While the use of irrigation is not currently widespread, it is essential for cultivation during the dry season. However an estimated 80% of farms are rain-fed with no functioning irrigation system. More than 80% of these are small farms with an average size of less than 1.2 hectares. (FAO 2005a; Namara 2011.)

Large-scale commercial farming is on the rise, due primarily to investments by both foreign and Ghanaian biofuels companies in crops like jatropha. Some have voiced concerns that these investments are compromising the land rights of small farmers, women and other local stakeholders. (FAO 2006; Hughes et al. 2011b; Ghana Web 2010.)

The livestock sector makes up approximately 7% of the country's agricultural GDP. As of 2005, there were estimated to be over 13 million heads of cattle and over 60 million sheep and goats in Ghana.

³ This statistic is somewhat misleading, as it disguises the fact that poverty reduction did not happen across all regions. While the number of people living in poverty declined by 2.5 million in southern Ghana, the impoverished population of northern Ghana grew by 900,000 during the same time period. (World Bank 2011a.)

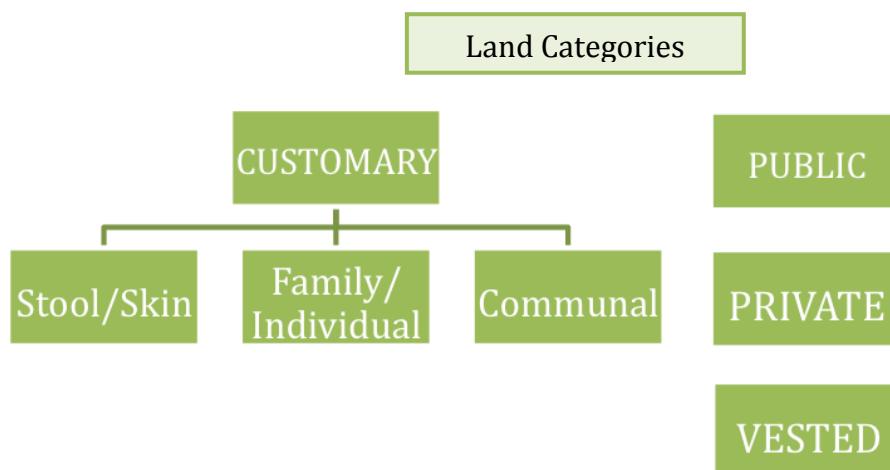
Pastoralists from neighboring communities may acquire land seasonally to pasture their animals, usually from chiefs and other landowners. There is some evidence that these landowners prefer to rent to outsiders because they compensate the landowners beyond what a member of the community would give as a token gift. However, farmers and herders come into conflict over claims that herders' animals have damaged farmland and crops. (FAO 2005b; Hughes et al. 2011; Sarpong 2006.)

B. Land Governance

1. Dual Systems: Formal and Customary Governance

In Ghana, as in many African countries, customary land governance systems exist alongside formal systems. Formal systems are based on statutory law and rights tend to be documented. In contrast, customary systems are based on customary law and practices that are particular to each community. Rights are not necessarily documented, but exist because the community accepts and acknowledges them as legitimate. Though in the context of customary land, tenure security may not require legal documentation of rights, in formal systems legal documentation is often a requirement for the recognition of rights. This contrast in systems whose authority overlaps often increases tenure insecurity for people living under customary systems, who are exposed to significant vulnerability in the face of growing scarcity of land and resources. In Ghana, traditional leaders have the authority to manage customary lands as trustees for the community, however land transactions are recorded through the formal governance system. Individual use rights are rarely recorded, leaving community members vulnerable in cases where traditional leaders take actions which benefit them at the expense of the community as a whole. (Van Asperen 2006; Yirrah 2013a.)

2. Classifications of Land



Landholding in Ghana falls under four main categories: public, customary, private, and vested. Public lands comprise around 20% of all land in Ghana, and vest in the President, who holds the land in trust for the people of Ghana. The vast majority of land in Ghana, nearly 80%, is classified as customary land. This land vests in the appropriate stools, skins, families or clans, who hold it in trust for the members of the community. There is also some amount of land held under private freehold interests. The Constitution acknowledges freehold interests in land (see art. 266(1); 267(5)), although the nature and extent of these rights is not explained. This category appears to be comprised mainly of land grants made by colonial governments, land purchased from individuals, and land purchased from customary owners prior to the promulgation of the 1992 Constitution. The final category, vested land, consists of land held under a form of split ownership between the state and customary landowners. The reasons for the existence of such land seem varied, but include cases where conflict among or between communities has made peaceful customary administration impossible, leading the state to step in and assume certain land management responsibilities. (GOG 1992; Sarpong 2006; Ubink and Quan 2008; USAID 2011; Sittie 2006; GOG 1999; Bugri 2012a; Yirrah 2013b.)

3. Tenure Types

The land tenure framework, outlined in the 1999 National Land Policy, includes several categories of land interest. These include: allodial, common law freehold, customary freehold, customary tenancy, leasehold and other lesser interests in the land. Several of these interests may exist on the same land parcel. (GOG 1999; Bugri 2012a.)

Allodial title. Allodial title is absolute permanent title from which all other interests in land derive. Customary lands are held under allodial title, with the title vested in stools, skins, clans or families. These entities hold the land in trust for the community. (GOG 1999; USAID 2011.)

Customary freehold (usufruct). Customary freehold, also called customary usufruct, refers to use rights over customary land held by individuals or groups within the allodial title-holding community. Customary freehold rights may be acquired directly, through an express grant from the allodial community, or implicitly, through the occupation of vacant land. The land continues to be legally owned by the allodial titleholder, although traditionally the allodial owner did not have the authority to transfer the land without the consent of the holder of the customary freehold interest. Customary freehold interests are not limited in duration and, in many communities, may be transferred to successors of the original interest-holder. Holders can forfeit their title by refusing to perform customary services, attempting to deny the ownership of the allodial titleholder, or abandonment of the land. Customary freehold is not currently a registrable land right in Ghana, although the National Land Policy recognizes customary freehold rights as legitimate. However, the lack of legal recognition leaves customary freeholders with insecure tenure, as they often have no opportunity for redress when traditional leaders overstep the bounds of their authority in regards to their land rights. (GOG 1999; Bugri 2012a; Sarpong 2006.)

Common law freehold. Private land in Ghana is held under common law freehold. Freehold title derives from an express freehold grant by an allodial rights holder. Freehold land exists mainly in areas where

chiefs made grants of customary land to private individuals prior to the 1992 constitutional ban on the creation of freehold interests on stool and skin land. It appears that freehold interests may only be created on family and clan land under the current legal framework. (Kasanga and Kotey 2001; USAID 2011; Bobobee 2013.)

Leasehold. Leaseholds are time-bound interests in land. Both allodial and freehold titleholders can grant leaseholds to individuals. Leasehold agreements with non-Ghanaians are constitutionally limited to a term of no more than 50 years. (USAID 2011; GOG 1992.)

Customary tenancy. Customary tenancy refers to a type of contractual agreement between landholders and farmers in which the farmer is allowed to farm on some portion of the landholder's land, usually in exchange for payment or a share of the farm output, although in some cases the farm itself will be shared. The most common arrangements are *abunu* and *abusa*. Under an *abunu* arrangement, the farmer provides one-half of the harvest to the landlord, while under an *abusa* arrangement the landlord receives one-third of the crops. *Abunu* arrangements are becoming more common, to the detriment of sharecroppers. (Bugri 2012a; Sarpong 2006; Ubink and Quan 2008.)

4. Formal Legal Framework

Constitution. The Constitution vests all public lands in the President of Ghana, held in trust for the Ghanaian people. Article 257, however, explicitly excludes from the category of public land lands in the Northern, Upper East, and Upper West Regions that were vested in the government of Ghana at the time of the promulgation of the Constitution. The article declares instead that such land will vest in the owner or appropriate skin. Article 267 vests stool lands in the appropriate stool, forbids the creation of any freehold interest in stool land, and establishes the Office of the Administrator of Stool Lands, which collects and disburses revenue from stool land. Under the Constitution, noncitizens cannot gain a freehold interest over land, although they may lease land for a term of no more than 50 years. (GOG 1992; GOG 1994.)

Land Administration and Management. The Office of the Administrator of Stool Lands Act of 1994 provides the framework for the management of customary lands where allodial title is vested in the chief or other leader. The allodial landowner retains customary land ownership but certain land management responsibilities, mainly financial, are administered by the state on behalf of the customary owners. The Stool Lands Administrator is tasked with the establishment of a stool lands account for each stool, as well as the collection and disbursement of rents, dues, royalties, and other revenues from the stool land. Those revenues are distributed as follows:

- 10% to the Office of the Administrator to cover administrative expenses;
- 25% to the stool through the traditional authorities for the maintenance of stool land;
- 20% to the traditional authorities; and
- 55% to the District Authority with authority over the area in which the stool land is located.

In addition to the revenue-related responsibilities, the Administrator is also required to consult with traditional authorities on matters related to the administration and development of stool land and is

tasked with coordinating with traditional authorities, the Lands Commission, and other relevant government agencies in the creation of policy frameworks for the development and management of stool lands. (WaterAid Ghana 2009; GOG 1994; Larbi 2009.)

The Lands Commission Act of 2008 formalized the merger of several major land sector agencies, namely the Survey Department, the Land Title Registry, the Land Valuation Board and the Lands Commission Secretariat, into one body known as the Lands Commission, under the authority of the Ministry of Lands. The Commission is charged with a number of functions that impact the management and administration of customary lands, including but not limited to:

- Advising the government, local authorities and traditional authorities on the policy framework for the development of particular areas of the country to ensure that the development of individual pieces of land is coordinated with the relevant development plan for the area concerned;
- Advising on, and assisting in the execution of, a comprehensive program for the registration of title to land as well as registration of deeds and instruments affecting land throughout the country;
- Facilitating the acquisition of land on behalf of the government;
- Minimizing or eliminating, where possible, the sources of protracted land boundary disputes, conflicts and litigations in order to bring their associated economic costs and socio-political upheavals under control; and
- Promoting community participation and public awareness at all levels in sustainable land management and development practices to ensure the highest and best use of land.

In carrying out these functions the Commission is expected to collaborate and coordinate with customary institutions responsible for the administration of stool, skin, family or community-owned land. (GOG 2008; WaterAid Ghana 2009.)

Registration. Ghana currently operates on both a deed and title registration system. Efforts have been made since the 1980's to phase out deed registration and transition to a pure title registration system, but title registration remains limited to Kumasi and the Greater Accra Region. The Land Title Registration Act of 1986 establishes a Land Title Registry for the registration of titles and interests in land, and lays out the registry's responsibilities and powers. The Act provides for registration of allodial title, usufruct/ customary law freehold, common law freehold, leasehold, and customary tenancies. The Act also affirms the chief registrar's right to compel registration of property. Registration of titles covering all interests in Ghana is an explicitly stated policy action under the National Land Policy. (Yirrah 2013a; GOG 1986; GOG 1999; Sittie 2006.)

Family Law. The legal framework governing family matters and inheritance is particularly relevant for women's and children's rights and access to land. The Marriage Ordinance of 1884 recognized only monogamous marriages and specified that wives and children recognized by the ordinance were entitled to two-thirds of the deceased man's estate. Conversely, the Marriage of Mohammedans Ordinance of 1907 allows for polygamous marriages and codifies a separate legal system for the governance of marriages of Muslims, who comprise approximately 16% of Ghana's population. From the

1960's through the 1980's, legislative reform was undertaken to bridge statutory and customary frameworks in the area of family and inheritance law by clarifying the status and rights of women and children and their access to ancestral land. The Head of Family (Accountability) Act requires the head of a family, or any other person with control over family property, to take and file an inventory of all such property and makes that person legally accountable for the property. The Intestate Succession Act, 1985, establishes specific protections for the rights of surviving spouses to marital property, although it does not apply to stool, skin or family property. It also makes the unlawful interference with an entitled person's property rights a crime punishable by a fine and up to a year of imprisonment. A Property Rights of Spouses bill has been drafted, but not yet adopted. (Awusabo-Asare 1990; FAO 2010; Kludze 1987; GOG 1985; Bugri 2013a.)

Compulsory Acquisition. The 1992 Constitution allows for compulsory acquisition of property by the government in the public interest or for a public purpose and appears to allow the acquisition of customary property. The 1962 State Lands Act, which retained the provisions of the 1960 State Property and Contracts Act, currently governs compulsory acquisition and compensation. The Act vests state property in the President on behalf of the Republic, and gives the President the power to compulsorily acquire land in Ghana. The Lands Commission is responsible for assessing the compensation to be paid to landowners. The Mining and Minerals Act, 2006, empowers the President to acquire or authorize the occupation and use of land where the land is required to secure the development or utilization of a mineral resource. The Act includes provisions for the compensation or resettlement of lawful occupiers of the land. (Larbi et al. 2004; GOG 1992; GOG 1962; GOG 2006.)

5. Government Interventions in Land

The Ghana Land Administration Project, launched in 2004, is intended to reduce poverty and enhance economic growth through improved land tenure security, simplified land acquisition processes, prudent land management systems, development of a land market, and establishment of efficient and sustainable land administration, both formal and customary. The first phase of the project (LAP I), which ran from 2004 to June 2011, had four main components:

- Harmonizing land policy and regulatory framework;
- Institutional reform and development;
- Improving land titling, registration, valuation, land use planning and land information systems; and,
- Project management, human resource development and monitoring and evaluation.

Although LAP I was initially intended to deliver a fully functioning land administration system at the end of five years, the project was extended twice and the focus shifted from delivery to laying the foundation for a functioning system. This change was a result of the realization that the initial goals were too ambitious to be achieved in the initial five-year period. Implementation efforts then shifted towards: (a) creating a strong legal and administrative framework; and (b) testing eight pilot initiatives addressing systematic registration, customary land demarcation, etc., to determine best practices. (Larbi 2008; World Bank 2011b.)

A key component of LAP I was the reorganization of Ghana's land administration under one agency, the Lands Commission. Thus Ghana reorganized its land administration in 2008 to address barriers in the sector including poor coordination between the government agencies responsible for land issues, a lack of both human and technological resources and capacity, and a weak land registration system. The 2008 Lands Commission Act merged four separate agencies previously responsible for land administration under one organization, the Lands Commission. The former agencies became "divisions" within the new Commission: the Land Registration Division; the Public and Vested Lands Management Division; the Survey and Mapping Division; and the Land Valuation Division. (MiDA n.d.; Jones-Casey and Knox 2011; Mustapha 2006.)

Under LAP I, some pilot initiatives were conducted in northern Ghana. A land rights and vulnerability study was conducted in Builsa, a district in the Upper East Region. Ten pilot boundary demarcation efforts were completed on allodial land, although the land has not been registered. There have also been several piloted efforts to test processes and procedures for systematic land registration, mainly in and around Accra and Kumasi; it is unclear whether registration pilots took place in other parts of Ghana. (World Bank 2011b; Larbi 2011.)

Another important component of LAP I was the establishment of Customary Land Secretariats (CLS), intended to strengthen customary land administration. Prior land registration and administration efforts had focused mainly on urban areas of the country, with new laws and policies on land generally having little effect on customary land administration. The CLSs are decentralized land administration units established to fill this gap in land administration. Their responsibilities include:

- Providing land information on ownership, rights, use, etc. to the public;
- Keeping and maintaining accurate and up to date land records;
- Keeping records of all fees and charges associated with land grants;
- Liaising with Plot Allocation and Town Development Committees to ensure that development conforms to planning schemes/layouts as agreed to by the community at the local level;
- Serving as the link between the land owning community and the public sector land agencies, District/Municipal/Metropolitan Assemblies, Environmental Protection Agency, etc.;
- Serving as the link between investors and the Community Land Management Committee; and
- Promoting ADR and keeping records on land related disputes settled at the local level through ADR.

(Kakraba-Ampeh n.d.)

Between 2004 and 2007, a total of seven CLSs were established while another three were strengthened, covering each of Ghana's ten administrative regions. The initial approach was revised in June 2007 in response to slow progress resulting in part from the supply-led approach to CLS establishment, which failed to effectively engage local communities. Reports indicate that at least some customary landholders perceived the CLSs as simply another government agency attempting to interfere with customary land rights. The revised approach has been demand-led, and attempts to engage communities in the process through education on the functions and benefits of CLS. Customary authorities that express interest in the CLS can now request assistance from LAP, which conducts an assessment of both economic viability and the customary authorities' readiness for a

CLS before providing assistance. The new approach was expected to improve efficiency of CLS establishment as well as increase their effectiveness by creating community buy-in. By the end of 2008, 30 CLSs had been established; by the close of LAP I in 2011, 36 CLSs had been established. Although these CLSs are technically functional, many suffer from logistical problems and a lack of adequate resources, both human and financial. Significant capacity building is needed to ensure that the CLSs will be able to fully carry out their functions. A 2009 study of CLSs found that 40-50% of staff positions at the two CLSs in the Northern Region were vacant, and that some necessary office equipment had not been provided. (Kakraba-Ampeh n.d.; World Bank 2011b; Bugri 2012b.)

The World Bank published a report in December 2011 detailing the outcomes and results of LAP I. The project reported a number of successes, including establishment of the National Land Commission, 36 new or strengthened CLSs, a reduction in the turnaround time of title registrations from over 36 months at the beginning of the project to 6 months by June 2011, a significant increase in titles and deeds registered by women, a nearly 90% reduction in the backlog of land cases at the high and circuit courts, and several successful pilot initiatives. By the close of the project in June 2011, approximately 14,000 titles and 33,000 deeds had been registered. (World Bank 2011b.)

LAP II, the second phase of the Land Administration Project, began in July 2011 and is intended to run through June 2015. The second phase aims to consolidate the gains made during LAP I by deepening the reforms and enabling the land sector agencies to be more responsive to clients through improvements to efficiency. Dr. I.B. Karikari, National Coordinator of LAP II, notes that the project will strengthen the policy, legal and regulatory frameworks of land administration, decentralize and improve business and service delivery, make maps and spatial data for land administration more efficient and develop human resources as well as project management. LAP II is comprised of four components:

- Strengthening land administration systems, mainly through legislation and improving dispute resolution mechanisms in partnership with the judiciary. This includes training of judges, lawyers and customary authorities in land administration and alternative dispute resolution.
- Improving business processes for service delivery, with the aim of creating more efficient, transparent and secure land registration and titling systems as well as developing more client-focused registration offices. The project will continue decentralization of services.
- Improving maps and spatial data, including creation of base maps and land-use plans.
- Developing human resources and building capacity in support of project implementation.

(GNA 2012; GOG 2010.)

Several intended outcomes were shifted from LAP I to LAP II. A draft land bill and land use planning bill have been prepared but not yet adopted. A gender strategy for land rights and land administration has also been completed and will be implemented under LAP II. A computerized land information system has been developed and used in some land registration pilots, although full deployment has been rolled over to LAP II. Ghana currently has no official national policy on commercial land acquisitions, although the National Lands Commission has developed and circulated draft guidelines. (World Bank 2011b; Larbi 2011.)

C. Customary Land Governance in Northern Ghana

1. Customary Tenure in Ghana, Generally

About 80% of Ghana's land is held under customary tenure, with chiefs, clan heads, family heads and other traditional leaders⁴ holding administrative authority over land matters due to their status as male descendants of the patrilineal line comprising the first settlers of a particular area. These traditional leaders hold the land in allodial, or absolute, ownership in trust for the wellbeing of the entire community, including present and future generations. Customary lands in Ghana can generally be classified as stool or skin land, clan land, or family land. The terms "stool" and "skin" refer to the seat of the traditional chiefs, representing the source of the chief's authority.⁵ The traditional leaders, and allodial titleholders, on clan and family land are generally referred to as clan heads and family heads, respectively.

Landholders may make payments to the chiefs for the rights to use the land. Traditional leaders may also grant some of the community land to "strangers" in sharecropping or short-term lease-like arrangements. Although most interests in land, and particularly customary land, are not registered, reports indicate that some CLSs began recording use rights to customary lands under LAP I. (GOG 1999; Bugri 2012a; USAID 2012.)

Distribution of land rights within customary land holdings is determined by traditional rules under which the basis for an allocation of communally held customary land to individuals or families is derived from a person's ancestral lineage and not from the marital family. Depending on geographic location and local custom, inheritance of land is governed by either patrilineal or matrilineal practices. Under both systems, spouses are not part of the same lineage. Thus a surviving wife will rarely inherit land from her husband and vice versa. Children in a patrilineal system have a right to inherit from their father. In contrast, children in a matrilineal system may inherit from several relatives, including maternal uncles, brothers and

Qualitative Indicators of Customary Tenure Security

Some of the more significant qualitative indicators of customary tenure security include:

- State recognition of customary property (e.g. the legal possibility of registering customary rights, and/or the recognition of indigenous peoples' territorial claims);
- Awareness of statutory rights by people dependent on customary property, as well as their ability to defend their rights in practice;
- Effective administration of rights (whether by the state or community management institutions, covering issues such as record-keeping, transfer of rights, establishment of use regulations, adjudication and dispute resolution); and
- Reliable methods for dealing with counter-claims and conflicts, both within customary property regimes and with external actors; the ability of communities to exercise statutory rights in practice. (Van Asperen 2006; Wilusz 2010.)

⁴Earth priests also play a role in traditional governance, although their role in land administration and management is unclear. Chiefs and earth priests have different roles and responsibilities within a community. Whereas the chiefs serve an administrative role, the earth priests are spiritual leaders. In some cases, both roles are held by one person. (Bugri 2013a.)

⁵ Stool is the predominant term in southern Ghana, while skin is used in northern Ghana.

grandparents, although they are unlikely to inherit from their fathers. Under both systems, the rights to land and other resources are generally decided by the male relatives. (Hughes et al. 2011a; Tonah 2002; Gedzi 2009.)

Traditionally, chiefs are charged with holding the land in trust for the benefit of the members of the community. However, in the face of increasing land values due to increasing demand, both as a result of population pressure and growing interest in commercial investments, many chiefs have accepted land deals which benefit them personally while harming the community as a whole, as further discussed below. (Hughes et al 2011a.)

2. Land Tenure and Customary Governance in Northern Ghana

Northern Ghana, comprised of the Northern, Upper East, and Upper West Regions, occupies a total land area of about 9.7 million hectares, covering the northern two-fifths of the country. Most of the northern communities speak the same or related languages and share similar cultures, which are mainly patrilineal. Most land in the north, as in the rest of the country, is held under customary laws and practices. More than half of the population of the Northern Region (56%) is Muslim. (GOG n.d.; Djokoto and Opoku 2010; Bugri 2012a; Modern Ghana n.d.)

The various ethnic groups and communities can be broadly categorized into two groups: those with a centralized, hierarchical political system, and those that are more segmented and based on smaller family and clan groups. The former group dominates the Northern Region, and includes tribes such as the Gonja, Dagbon, Mamprugu and Nanum. These communities function essentially as states with a king or paramount chief at the top of the hierarchy, divisional chiefs managing various regions within the kingdom, and several levels of sub-chiefs below them who manage individual localities. Allodial title vests in the various skins' highest customary authority, who must endorse most land transactions. Land is managed by divisional and sub-chiefs, who may grant lesser land rights. The role of earth priests is limited to performance of rituals intended to keep the land productive. Some reports indicate that although chiefs maintain that they hold land on behalf of the community, in many cases the land is actually attached to specific families, with chiefs having little control over land in practice. This does not appear to be the case on skin land, but rather on family land, where the chief's role is limited to community governance and land is held by the leaders of individual families. (Kotey 1995; Djokoto and Opoku 2010; Assefa 2001; Yirrah 2013a.)

The more segmented communities are located mainly in the Upper East and Upper West Regions and include tribes such as the Tallensi, the Lobi–Dagarti, the Builsa, the Sisala, the Kusasi and the Frafra. Land administration authority in these communities centers on the earth priests, and village, clan and lineage heads. Thus the allodial title vests in the earth priests on behalf of the various communities. The earth priests then allocate land to groups, whose leaders are charged with controlling access to the land, which is generally done through allocations of land to families and individuals. Individual rights are inheritable and appear secure, and land disputes are reportedly rare. Land cannot be transferred by individuals to migrants without informing the family head. (Kotey 1995; Djokoto and Opoku 2010.)

Case Study: Savelugu-Nanton District, Northern Region

A 2011 COLANDEF report provides information on customary governance structures in Tuunayili, site of a pilot registration effort. The population is mainly Dagomba and the region is located in the Dagbon Traditional Area, part of the Dagbon Kingdom, which has a clear hierarchy of authority:

- The Ya Naa is the overlord of the Dagbon Kingdom and has final decision-making authority. The Ya Naa holds the allodial title to all land in the Kingdom, and thus the power to consent to formal land transactions.
- The Kingdom is subdivided into three gate skins: Savegulu, Karaga, and Mien. Paramount chiefs, the heads of these skins, are next in the hierarchy of authority within the Kingdom. The paramount chiefs' individual titles are Yoo Naa (Savegulu), Karaga Naa (Karaga), and Mien Lana (Mien). Land within their skins falls under the paramount chief's authority.
- The gate skins are further subdivided, with each region headed by a sub-chief who answers to the skin's paramount chief.
- Below the sub-chief level are community leaders, such as the elders.
- Queen mothers also play some role in local governance, although the extent of their authority is unclear.

In Tuunayili, and possibly in the rest of the Dagbon Kingdom, there is general recognition that land belongs to the chief. Community members, who have farmed the land for decades in some cases, believe the land belongs to the chief alone, and that they have temporary use rights. One effect of this thinking is a perception that women cannot own land because women do not hold the positions which would allow them to be the owners of the allodial title.

The community perception appears to be that women do not need to own land, as they can gain access through their male relatives. Women often farm on family land, or their husband's land. If family land is insufficient, husbands, fathers and brothers may ask other families for access to any unused land on behalf of their wives, daughters or sisters. It is unclear if women are able to seek out these types of arrangements on their own behalf. (COLANDEF 2011.)

With the exception of some parts of the Upper East Region, land has generally not been scarce in northern Ghana and members of local communities generally have rights to access and exploit land. The Northern Region has the lowest population density in Ghana, with an estimated 35 people per square kilometer, while the Upper West Region, the second least populated, hosts 37 people per square kilometer; in contrast, the population density of the country as a whole is 102 people per square kilometer. (Bugri 2012a; Kotey 1995.)

Out-migration far surpasses in-migration in the Northern Region. With the exception of a period in the 1970's and early 1980's in which southern Ghana experienced political instability and high food prices, leading to an increase in migration (or return) to the north, out-migration from northern Ghana has increased steadily since the early 1900's. Studies indicate that this trend is in large part environmentally

induced, due to the combination of erratic rainfall and poor soils, as well as a result of limited nonfarm opportunities. (Van der Geest 2011; Djokoto and Opoku 2010.)

The main crops produced in the Northern Region include yams, maize and groundnuts. Sheanut, dawadawa, baobab and nim trees are the most widespread in northern Ghana, which produce high quality shea butter. While planted trees are owned by the planter, leading to the limitations on migrants' rights to plant trees, naturally growing trees are generally owned by the holder of the allodial title, be that the chief, earth priest or a family. Members of the community that owns the land are entitled to collect the products of naturally growing trees, such as fruits and sheanuts. The exception is the dawadawa, a protein-rich seed used as a meat substitute in traditional soups and stews in the Northern Region. Dawadawa trees are owned by the chief. (GOG 2011; Marchetta 2011; Booth and Wickens 1988.)

Pastoralists who are members of a landowning community are entitled to graze their animals on any portion of the community's land. Herders from neighboring communities may negotiate grazing rights with local chiefs and individual farmers. As land grows increasingly scarce, conflicts have increased over damage to crops from grazing animals. (USAID 2012.)

Migrants do not have the same access and use rights as community members and can only access land through agreements with landowners. In most cases, migrants cannot plant trees on the land they access, as this may result in the migrant attempting to claim ownership of the land. There are, however, cases in which landowners will lease land to migrants for tree planting with an agreement for sufficient payment. (Kotey 1995.)

Recent years have seen a shift in the role of earth priests, whose authority has lessened. In some communities, such as the Dagomba and Nanumba, paramount chiefs have delegated their authority to local chiefs who do not consult local earth priests during decision-making. In other cases, the chiefs have claimed landholding rights and management authorities traditionally held by earth priests. It is unclear what effect this shift has had on the communities. (Djokoto and Opoku 2010.)

Customary rules in the Northern Region generally discriminate against women's access and rights to land. Unmarried women may receive land from their fathers, while married women receive land for farming from their husbands. Women are seen as belonging to their husband's families and generally lose rights to land received from their birth families when they marry. Women's rights to land are less permanent than those of men, although women generally have access to land for farming. Customary succession rules also tend to discriminate against women, where land is usually inherited by male successors. Wives have no right to inherit from their husbands under the patrilineal system of inheritance present in most of northern Ghana, although a wife may have a right to maintenance, and daughters rarely inherit land. Although it has been observed that women tend to inherit from other women, customary rules and practices ensure that women own significantly less land than men. (USAID 2012.)

III. WOMEN AND LAND

A. Legal Framework

The Ghanaian Constitution prohibits discrimination based on gender and guarantees women's right to own and inherit property. Women and men have equal rights under the law in regards to property ownership, and article 36(6) of the Constitution requires the state to take "all necessary steps so as to ensure the full integration of women into the mainstream of the economic development of Ghana." However, the Constitution also allows customary institutions to apply their traditional rules, which tend to discriminate against women's land ownership. Although there are regional variations in women's ownership and rights to land, across the country only 10% of women hold land in their own names. However, a 2011 study showed that tenure security is stronger for women in the Brong Ahafo and Eastern Regions. It should be noted that the Akan people, a matrilineal community, make up the vast majority of the population of these two regions. (FAO 2010; GOG 1992; IFAD 2008; Grown et al. 2005; AllAfrica 2011.)

The Marriage Ordinance of 1884 and the Marriage of Mohammedans Ordinance of 1907 codify separate legal frameworks in the governance of family matters. The former recognized only monogamous marriages, acknowledging only one legal wife, who is entitled to two-thirds of the deceased husband's estate. The Marriage of Mohammedans Ordinance of 1907, on the other hand, applied to individuals married under Islam. The Ordinance permitted polygamous marriages and provides procedures for marriage registration and divorce in polygamous marriages. (FAO 2010; Manuh 1997; Sarpong 2006.)

Several laws were passed in 1985 to reform the legal framework surrounding marriage in an attempt to lessen the inequality felt by women under customary systems. These include:

- The Customary Marriage and Divorce (Registration) Law (PNDC L112).
- The Administration of Estate (Amendment) Law (PNDC L113).
- The Head of Family (Accountability) Law (PNDC L114), which empowers heads of households to manage property in ways that benefit the family in an effort to secure family property, and includes a statutory provision allowing family members to file court claims against the family head for the mismanagement of family property.
- The Intestate Succession Law (PNDC L111), which provides widows and their children with "definite rights in the estate of their deceased husband or father." However, the law only applies to "self-acquired" land, thereby excluding land held through lineage and community membership.

The extent to which these laws improved women's rights and access to land in practice is unclear. Evidence from rural Ghana indicates that women's rights to land are still limited and insecure in comparison to those of men. (Kutsoati and Morck 2012; COLANDEF 2011.)

B. Women's Land Rights in Practice

Female-headed households comprise 30% of rural households in Ghana, in part as a result of high out-migration from rural areas by men seeking employment opportunities. Women's parcels of land tend to

be smaller and less fertile than men's, and in many communities women traditionally supplement their incomes by gathering fruits, nuts and firewood from the commons. The conversion of former commons into farmland and increase in commercialized agriculture have resulted in the loss of this key resource on which women rely. (USAID 2012.)

As stated above, women in Ghana generally access land through their male relatives. Women's rights to land are generally subject to the rights of the male relative from whom they received the land, and women often do not control the proceeds of their labor. This trend is reportedly changing as a result of increased public awareness of women's rights. One area in which LAP I was particularly successful was the recognition of women's land rights; an estimated 30% of titles registered were registered in women's names. (USAID 2012; Yirrah 2013; Bugri 2012a.)

Another area in which LAP has been successful is in increasing the number of land titles and deeds registered by women. By the close of the project in June 2011, over 14,000 titles and nearly 33,000 deeds had been registered. The turnaround time for women's registrations was reduced by nearly 600%. In addition, a gender strategy for land rights and land administration was developed and will be implemented under the second phase of the project. The strategy emphasizes the need for sustained advocacy for the registration of women's land rights, particularly for women in rural areas. (Larbi 2011; World Bank 2011b.)

A key factor in securing land rights is the maintaining of good relationships with husbands and male relative. Married women may gain access to land from husbands, but may also lose their land and crops in the event of divorce or the death of the husband. A woman's rights to land obtained through marriage can also change if her husband remarries under a polygamous arrangement, in the case of Muslim marriages. (Minkah-Premo et al. 2004; FAO 2010; Sarpong 2006; AllAfrica 2010; USAID 2012.)

In addition to gaining access to land through male family members, women also obtain land rights through renting, purchasing and sharecropping. Sharecropping is generally a disadvantageous arrangement for tenants as landlords often require the tenant to surrender up to half of their crops in payment. In addition, landlords are often able to change the terms of the tenancy as many sharecropping agreements are made only verbally. (Minkah-Premo et al. 2004; AllAfrica 2011.)

IV. SOURCES OF LAND TENURE INSECURITY

A. Commercial Investments in Land

Large-scale investments can have mixed effects on local communities. Potential positive effects include that smallholder out-grower schemes can provide farmers with steady incomes by connecting them to the global market, thereby making them less susceptible to changes in local demand. Investors may shift their focus towards food crops for domestic markets, which combats food insecurity. However, these investments also come with a number of risks to local communities, which have not been adequately addressed in Ghana to date; though draft guidelines on commercial investments in land for agriculture have been drafted, they have yet to be adopted. (Wolter 2008; Bugri 2013b.)

Role of Formal and Customary Authorities. In recent years, the government of Ghana has sought to create favorable conditions for international investment, including in land and commercial agriculture. In 1994, the Ghana Investment Promotion Centre was established with the objective of encouraging, promoting and facilitating investment in all sectors of the economy (with the exception of mining and petroleum). In 2008 the agency published the Ghana Land Bank Directory, which identified over 270,000 hectares of potential land for investment around the country, nearly 205,000 hectares of which is located in the Northern Region. The country's favorable investment climate has attracted many foreign investors, including companies investing in commercial agriculture projects, mainly in the area of biofuels. (Hughes et al. 2011b; Ministry of Lands, Forestry and Mines 2008; Ahwoi 2010.)

The Ghanaian government has yet to adopt a policy governing commercial land acquisitions. Although the Lands Commission has circulated a set of draft guidelines for large-scale acquisitions, it is unclear how far along the Commission is in the process of finalizing and adopting the guidelines. The lack of a policy framework on commercial land acquisitions has left rural farmers vulnerable to subsequent waves of dispossession and manipulation as demands for biofuels and other commercial crops grow. (Hughes et al. 2011b; Lands Commission n.d.)

Specialized commercial courts and, more recently, land courts have been established to strengthen the institutional support for foreign direct investment. The government has also reformed land administration and management in the country, establishing the Lands Commission as a one-stop shop for land registration, in part to ease the difficulties experienced by investors in acquiring land. (Tsikata et al. 2011; Bugri and Coulibaly 2012.)

In some cases, government officials have reportedly played an exploitative role in commercial investment deals. Some state officials are members of local elite groups made up of chiefs, community leaders, and local partners of foreign investors and have used their positions for personal gains, while lack of regulation and attention to local communities has resulted in unintended harms such as displacement and loss of livelihoods. (Tsikata et al 2011.)

Customary land tenure systems developed in the context of ample land to support subsistence agriculture, without significant pressure on land-use and access. The recent growth and intensification of commercial agriculture and the increased demand for land for subsistence farming has increased land pressure and led to new conflicts for chiefs and lineage-heads, who attempt to balance their traditional roles with the growing economic opportunities their power affords them. Though some chiefs continue to act in their traditional roles as caretakers and custodians of community land, news accounts in recent years indicate that alienation of land by chiefs is increasing. Chiefs have been accused of not distributing payment from these sales, leases, and compulsory acquisitions to community members, a possible violation of their fiduciary duties to the community. (Hughes et al. 2011b; FAO 2010; Kasanga and Kotey 2001; Fred-Mensah 1999.)

As land increases in value, the power that chiefs have over land becomes complicated by economic interests. While some chiefs continue to act as custodians of communal lands, others have recognized the potential economic benefits of engaging in land transactions with outsiders and positioned

themselves as *de facto* owners of communal lands. Customarily, the benefit of land use was reserved for members of the lineage and alienation of communal land to a stranger required the consent of stool elders. However, some chiefs maintain that land sales and leases to outsiders are within their rights as trustees of the land. This has enabled some chiefs to acquire vast sums of money from land transactions. (Ayee et al. 2008.)

Investments in Land. Ghana's lack of regulation in the area of large scale commercial land acquisitions, combined with the customary tenure regimes which tend to vest chiefs with the right to deal in the communities' lands, has resulted in land deals which reportedly benefit only the chiefs while alienating land from the community without wider economic benefit. It has been observed that the hierarchical nature of the chieftaincy sometimes results in decreasing commitment to the community the higher up the ladder a chief is, with the result that the paramount chief with the authority to transfer the land is generally the most far removed from the needs of the community as a whole. (Tsikata et al. 2011.)

Contractual arrangements are generally for long-term leases, in part due to constitutional restrictions; as noted previously, the Ghanaian Constitution does not allow noncitizens to own land and limits their rights to 50-year leaseholds. In addition, the Constitution specifically prohibits the creation of any freehold interest in stool⁶ land. Payments are generally made either at the commencement of the leasehold or on an annual basis. In addition to the payment, some communities are also requiring commitments for the provision of infrastructure and social support, including employment opportunities for the local community. These demands may provide some explanation for the very low cash figures accepted by these communities. For example, in one case a community in the Northern Region accepted rents of \$1.50 per hectare per year while another acquisition was made at \$36 per hectare per year which some view as a reflection of the larger secondary commitments in the former case as compared to the later. The authors note, however, that this type of arrangement (whereby promises for future services or goods offset the cash price) provides for little transparency or accountability, especially in the absence of a written and registered contract. Hundreds of farmers are estimated to have lost their land in the acquisition and interviews indicate that the process lacked sufficient community consultation. (Tsikata et al. 2011; Bugri and Coulibaly 2012.)

Customary land tenure systems in Ghana have traditionally been dynamic and flexible, with norms and codes of conduct shifting to react to changing conditions. While this aspect of customary systems has many advantages, recent land deals have exposed the disadvantages of these systems in the context of interactions with formal systems. One of the key reasons that customary systems can be flexible and adaptable is the limited number of decision-makers within the customary governance regime. However, this is also a disadvantage, as chiefs and other traditional leaders are able to quickly react to the changing land pressures in ways that are harmful to the community as a whole. The potential personal economic benefits to chiefs in these communities have led many to set aside their traditional responsibilities to the community in favor of personal financial gain. This gain, however, comes through

⁶ The section entitled "Stool and Skin Lands and Property" in the Constitution (article 267) makes no references to skin land, only stool land (e.g., "All stool lands in Ghana shall vest in the appropriate stool.") These references to stool lands are assumed to also apply to skin lands. (Bobobee 2013.)

the alienation of increasingly limited common resources. The result is widespread tenure insecurity among communities that had previously been considered to have secure tenure. (Alden Wily 2003; Bugri 2013b.)

A 2010 IFAD study of land investments in Ethiopia, Ghana, Mali and Madagascar found that the major share of investments (by land area) is comprised of private companies, although state agencies account for a sizable portion of investments. The study also found that over 75% of land allocated in Ghana was dedicated to export markets. (Cotula et al. 2010.)

Recent years have seen increasing foreign investment in Ghanaian agricultural land for biofuel cultivation. As is the case in many other African countries, there is little if any conclusive evidence of the scale of these investments available publically. A 2009-2010 study identified 17 commercial biofuel developments across Ghana; all but two of the companies are either financed by Ghanaian expatriates or foreign-owned and nearly all use business models that require large farms at least 1,000 hectares in size. Of those companies, thirteen have invested in cultivation of jatropha, one in cassava and one in palm oil. As of 2009, the companies had access to an estimated 1,075,000 hectares of land, nearly three-quarters of which was located in Brong Ahafo and Ashanti regions (regions whose combined area is under 6.4 million hectares). (Schoneveld et al. 2010.)

Despite these large land allocations, less than 10,000 hectares of land are estimated to be under cultivation by the investors. While many companies claim they are going through an assessment process and conducting pilot activities to determine productivity, others ceased activities in the wake of the 2008 financial crisis. In some cases, community members have repossessed the unused land, while in others the original occupants never vacated the area. Though the communities may retain use of the land in these ways, they face increased tenure insecurity as a result of the deals, which have created the threat of eviction at any moment. (Schoneveld et al. 2010.; Tsikata et al. 2011.)

The table that follows provides information on 13 commercial land investments in Ghana, drawn from multiple sources.

KNOWN LARGE-SCALE LAND ACQUISITIONS IN GHANA

Company	Location	Size (ha)	Crop	Method of Acquisition	Reported Effects	Source
Prarie Volta Rice Ltd. (30% Gov. of Ghana, 40% Prarie Texas, 30% Ghana Commercial Bank)	Mafi Dove, South Tongu District, Lower Volta	1,250	Rice	Compulsory acquisition by GOG in 1977, no compensation paid originally. Local landowners filed suit in 2008 for compensation. Suit is pending, but company has permission to cultivate the land in the interim.	Outmigration; tenure insecurity (land owned but unused by the company is being used by the local community, but they no longer have secure rights to it); intensification of land conflicts between pastoralists and farmers; poor housing for resettled communities; loss of livelihoods activities.	Tsikata et al, pp. 6-17.
Prarie Volta Rice Ltd. (30% Gov. of Ghana, 40% Prarie Texas, 30% Ghana Commercial Bank)	Agorta (near Lolito), Lower Volta	2,000	Rice	25 year lease, renewable for an additional 25 years, negotiated with three land owners. Company only expected to compensate land users for existing crops, though land owners have promised to provide new land to displaced people.	Acquisition in progress	Tsikata et al, pp. 6-17; Bugri 2013a.
Biofuel Africa Ltd. (now Solar Harvest Ltd., Norway)	Kpachaa Area of Northern Region	10,600	Maize and Jatropha	50 year lease from Tijo-Naa, the major divisional chief. Public hearings held prior to signing of lease, local chiefs gave approval. Payment was divided between paramount chief, sub-	Outmigration due to land scarcity; increased tenure insecurity for those who remain, as they are farming on company land; loss of forest and bush resources (shea nuts, dawadawa trees, firewood); loss of employment from	Tsikata et al, pp. 18-25.

				chiefs and divisional chiefs.	commuter farming; emerging conflicts between village chiefs, Tijo-Naa and the youth.	
Agroils (Italy)		105,000	Jatropha			Friends of the Earth, p.30.
Galten Global Alternative Energy (Israel)		100,000	Jatropha			Friends of the Earth, p.30.
Gold Star Farms (Ghana)	Mankessim, Central Region (250 acres); Dedukope, Volta (1000 acres); Nkronza district (250 acres); Tordzinu, South Tongu District, Lower Volta (6000 acres); Kwahu Tafo, Eastern Region (6250 acres); Gomoa Mprumem, Central Region (500 acres)		Jatropha			Friends of the Earth, p.30.
Jatropha Africa (UK/Ghana)		120,000	Jatropha			Friends of the Earth, p.30.
Scanfuel (Norway)	Kumasi, Ashanti, Akanland	400,000	Jatropha			Friends of the Earth, p.30.
Kimminic Corporation (Canada)		13,000	Jatropha			Friends of the Earth, p.30.

Global Green (the Netherlands)		1,350	Teak			Land Matrix (landportal.info/land matrix)
European Union	Walewale, West Mamprusi District, Northern Region	500	Jatropha			Boamah.
Biodiesel 1 Ghana Ltd.	Kwame Danso, Sene District, Brong Ahafo	700 (acres)	Jatropha			Boamah.
Caltech (through Ghanaian affiliate Banket Ltd.)	Volta region	1,180	Cassava for ethanol			Boamah.

B. Other Sources of Tenure Insecurity

Abuse of Authority by Customary Leaders. As land becomes an increasingly valuable commodity, customary leaders are more likely to make decisions for personal financial benefit rather than in the interest of the community as a whole. In addition to agreeing to long-term leases of the sort described above, some chiefs are also taking advantage of their authority to allocate excessive amounts of land to outsider pastoralists to the detriment of community members. There are also reports of chiefs converting farmland into residential land for lease to outsiders. The current legal framework does not appear to place limits on the ability of chiefs to alienate land in this way, and also does not require chiefs to use the payments from such alienations for the benefit of the community at large. Land users lose access and rarely reap the financial benefit of these deals. (Ubink and Quan 2008; Bugri 2013a.)

Compulsory Acquisition

The Ghanaian Constitution allows for compulsory acquisition of property only where there is a clearly stated interest in defense, public safety, public morality, public health and town and country planning, and requires the payment of fair and adequate compensation as well as resettlement of any displaced inhabitants. The Constitution also grants the property owner or interest holder the right to access the High Court for a determination of the amount of compensation to which he or she is entitled. There has been recent recognition that the government's acquisition of large tracts of land, which then go unused, with inadequate or delayed compensation has led to an increase in landlessness and poverty. In response, some unused land is now being returned to the original owners, with some priority given to cases in which compensation was not paid. (GOG 1992; Van der Geest 2011; Minkah-Premo et al. 2004; Bugri 2012a.)

Increasing instances of compulsory land acquisition with inadequate compensation have had a disproportionately negative impact on rural women, who tend to be almost entirely dependent on the land for their livelihoods and also have the fewest income-generating options available to them when deprived of their land. Women also tend to have the weakest voice with regards to issues of land management, apportionment of compensation money when paid, and land alienation procedures generally. (Minkah-Premo et al. 2004; USAID 2012.)

Increased Demand for Commercial, Urban, and Peri-urban Land. Population pressures and ever-growing interest in commercial investment have increased demand for land in Ghana, particularly in peri-urban and fertile rural areas. Peri-urban areas have become increasingly attractive to professionals from nearby urban centers and have been subject to government acquisition to convert them to residential neighborhoods. As a result, tenure security is decreasing for peri-urban customary rights holders. A 2009 study, based mainly on key informant interviews, found that customary rights holders in the three study areas were more likely to have lost all or part of their land and less likely to have been compensated for the loss than formal rights holders. (Arko-Adjei 2009.)

Shrinking Water Resources. Water resources are significantly strained in northern Ghana. Rainfall is erratic and droughts have increased steadily since the 1970's. The unpredictable rainfall patterns disproportionately affect the poor, 76% of whom depend on rain fed agriculture for their livelihoods. In addition, the rainfall is often high intensity, causing soil erosion and degradation. (Douxchamps et al. 2012).

Registration Efforts. There is a risk that title registration efforts will increase tenure insecurity for some groups if not undertaken cautiously. A key risk is that the registration effort will overlook the rights of some people and groups, who will then become more insecure as a result. This is the case for women when only men's names are noted on land titles, or minority groups whose customary rights are ignored during systematic registration. Registration efforts under LAP I appear to have avoided this pitfall at least from a gender perspective; reports indicate that around 30% of titles registered were registered in the names of women. (Hanstad 1998; Bugri 2012a.)

V. IMPACT OF LAND TENURE INSECURITY ON LOCAL COMMUNITIES

Land tenure insecurity is closely linked to poverty. Insecure land tenure has been associated with decreased investment in land, leading to reduced farm productivity, which can leave rural people trapped in a cycle of poverty. In the Northern Region, the disappearance of customary land and common resources, as well as a history of underdevelopment, contributes directly to the high level of poverty in the area. The impacts detailed below all share a clear tie to poverty, in that they are all impacts that disproportionately affect the poor and tend to worsen their poverty. Wealthy and powerful members of a community are usually shielded from these effects, as their tenure security is often much stronger than that of the average community member. (Bugri 2008; Bugri 2013a; Goldstein and Udry 2008.)

A. Food Insecurity

As explained above, tenure security affects agricultural productivity, which has a direct impact on food security. Ghana is not currently self-sufficient in food production, and up to 1.2 million Ghanaians are considered food insecure. (Hughes et al. 2011; Roth 2010.)

While tenure insecurity, generally, will negatively impact food security, the use of fertile land for biofuel cultivation may further exacerbate the problem by decreasing the total amount of land available for food crop production. *Jatropha*, the preferred crop of biofuel investors in Ghana, has oily seeds used to produce biodiesel but no food value; the plant is toxic to humans. Although one of *jatropha*'s selling points as a biofuel crop is its ability to grow even on marginal lands, reports indicate that investors have secured fertile land for *jatropha* production. (Hughes et al. 2011.; Tsikata et al. 2011.)

Farm outputs and incomes are not necessarily an accurate reflection of household food security. While measuring overall farm outputs will provide insight into whether it is possible for a given country to be

food secure at the household level, it does not account for the distribution of wealth. Using total farm outputs to determine household food security risks misdiagnoses of food security in situations where income inequality leaves a large share of the population insecure. The trend toward large scale commercial land acquisitions may force a shift in traditional farming activities towards dependence on transnational corporations for their livelihoods, leaving local communities vulnerable to changes in the global marketplace in the short and long term. (Tsikata et al. 2011.)

B. Displacement

Tenure insecurity can often lead to the displacement of individuals and families, as well as whole communities. Increasing urbanization, described above, has increased tenure insecurity for those living in peri-urban areas and led to displacement in many cases. When these communities are displaced from their land, they often lose their most important financial asset. (Arko-Adjei 2009.)

Investments in large-scale commercial agriculture may lead to the displacement of families and communities, if executed without proper attention to the needs of local communities. Cases of communities complaining that they had not been consulted by their chief and the investors prior to being displaced by biofuel projects have been reported. Other communities have lost access to important resources with little or no compensation. (Tsikata et al. 2011; Hughes et al. 2011; Bugri and Coulibaly 2012.)

A 2010 World Bank study details the impact of biofuel land acquisitions on local communities in the Brong Ahafo and Ashanti Regions. Several negative impacts were noted in an in-depth case study of one such acquisition -

“The most direct and immediate impact of biofuels relates to land loss... Some 70 households from three communities were involuntarily vacated from their lands, without any form of restitution, following the harvest of yam (the primary cash crop) from the 2008 growing season. For two of the villages this equated to between 40 and 50 percent of households. Of those households that lost land, on average nearly 60 percent of their total landholdings were acquired by the company. Only 20 percent of households were able to obtain some replacement land, with most households unsuccessful in recovering both the quantity and quality of land lost to the plantation. The households cited increasing land scarcity and land quality concerns as key obstacles.” (Schoneveld 2010; Adusei 2010.)

C. Violent Conflict

Land disputes and conflicts are not uncommon in Ghana and largely revolve around access to land and issues of land tenure security. Conflicts over land are increasing, and sometimes become violent. In public opinion polls, 16% of respondents cited boundary or land disputes as the most common cause of violent conflicts. Conflicts occur between individuals, chiefs, governments, and various economic, social, and ethnic groups. (USAID 2012; Tsikata and Seini 2004; Aryeetey and Udry 2010.)

D. Loss of Forest and Pasture Resources

Many rural Ghanaian women have traditionally been dependent on the collection of dawadawa, fruit, sheanut and groundnut, as well as bushes for fuelwood, found on common property. As tenure insecurity and conflict over land increases, women are generally among the first to lose access to needed resources.

Women's access to forest and pasture resources may be particularly threatened by commercial farming schemes. The environmental side effects of the farms may destroy these forest resources. The development of farms on marginal lands may also pose a risk, as grazing lands used by pastoralists may be labeled marginal, disrupting herding activities. In addition, sheanut trees, a valuable resource used in many cosmetics, grow on land that may also be classified as marginal. (Tsikata 2011; Hughes et al. 2011b.)

E. Soil Degradation and other Environmental Damage

An important benefit of tenure security is that it creates an incentive for the landholder to preserve the land for future use. Where tenure is insecure, land can become degraded as a result of overuse and improper natural resource management. This can result in overgrazing of pastureland, overuse of farming land, and over exploitation of forest resources, all of which lead to land degradation which harms local communities in the medium- and long-term. (USAID n.d.)

A study of the connections between tenure security, agricultural productivity, and environmental degradation in northeast Ghana found that land tenure insecurity can be a major factor in poor environmental management, leading to environmental degradation. Though the study identified several factors that strongly impact the environment in the northeast region, including poor access to credit, inadequate and erratic rainfall, poor soils, inadequate farmland, lack of environmental awareness, and the effects of demographic changes, tenure security was identified as a necessary, although not sufficient, condition for improved environmental management. Bugri notes that the formalization of customary rights through the registration of individual rights does not necessarily improve tenure security; it cannot be assumed that the tenure security offered by formalization will be perceived as superior to customary tenure and therefore lead to improved agricultural production or environmental management. (Bugri 2008.)

Biofuel investments in the Northern Region pose a significant threat to the environment. Commercial biofuel production may lead to soil degradation, deforestation, and depletion of water resources among other environmental impacts. The use of pesticides and fertilizers, as well as intensive farming methods, also contribute to the harmful effects of these farming projects. (Friends of the Earth 2010.)

F. Lack of Employment Opportunities

As discussed above, some communities require commercial investors to agree to terms in addition to payment. In many cases, these terms include promises of employment opportunities for local people. These jobs often do not manifest, or are limited to a short-term seasonal employment. The

communities do not appear to have recourse through which to enforce their agreements with investors. (Hughes et al. 2011.)

VI. REMAINING QUESTIONS

During the course of this research, several topics and issues were identified for which further, in-country research will be necessary:

- The intersection of formal and customary governance. It remains unclear what rights the Ghanaian government has over customary land. More information is needed on how authority over customary land is divided between formal and customary authorities.
- The role of traditional leaders and the extent of their authority. This research has revealed conflicting beliefs and perceptions about the rights of chiefs over customary land. Specific issues which must be addressed by field research include: the rights of customary freeholders to protest or block the alienation of their land; the extent of the chiefs' rights to alienate community land; the fiduciary duties of chiefs to the community; and, the different roles of chiefs and earth priests.
- Customary Land Secretariats. The role played by customary land secretariats in customary land administration and management remains unclear. While it seems the CLSs serve in an administrative capacity over customary land, the nature and extent of their authority remains unclear, as does their composition.
- Registration efforts in Ghana to date and the plans going forward. Several pilot registration efforts were implemented under LAP I. More information is needed on the location, nature and outcomes of these efforts, as well as future plans for systematic registration.
- Commercial investments in land in the Northern Region. Concrete information on the size and number of large scale commercial acquisitions is lacking. While some individual deals have been reported, it is unclear how much land in Ghana, and particularly in the Northern Region, has been leased to investors.
- Resettlement of displaced people. Though it is clear that displacement is a growing problem, more information is needed on the resettlement patterns of those who have been displaced, as well as potential tenure security issues which accompany their resettlement.
- The nature of women's land rights under customary law. Although much of our research indicated that women's land rights are less secure under customary tenure than those of men, information about the exact nature of those rights in the Northern Region is still needed.
- The differing rights of community members and strangers. Strangers often have limited rights to land in comparison to community members. The effects of these distinct rights on tenure security require further research.
- The effects of improved tenure security in the Ghanaian context. Although improved land tenure security will provide Ghanaian's with the primary benefit of increased certainty that they will be able to retain their land and therefore have some source of income, it remains unclear whether potential secondary benefits, such as increased access to credit, will manifest in this context.

VII. SOURCES

- Adusei, Lord Aikins. 2010. "Land, The New International Strategic Asset: How Africa is Losing Big Time." Modern Ghana. Available online: <http://www.modernghana.com/news/310058/1/land-the-new-international-strategic-asset-how-afr.html>.
- Ahwoi, Kwesi. 2010. "Government's Role in Attracting Viable Agricultural Investment: Experiences from Ghana." World Bank Conference on Land Policy and Administration. Available online: <http://siteresources.worldbank.org/EXTARD/Resources/336681-1236436879081/Ahwoi.pdf>.
- Alden Wily, Liz. 2003. "Governance and Land Relations: A Review of Decentralization of Land Administration and Management in Africa." IIED, June. Available online: <http://pubs.iied.org/pdfs/9304IIED.pdf>.
- AllAfrica.com. 2010. Ghana Reviews Mining Law. 12 April. Available online: <http://allafrica.com/stories/201004121433.html>.
- Arko-Adjei, Anthony, Jitske de Jong, Jaap Zevenbergen and Arbind Tuladhar. 2009. "Customary Land Tenure Dynamics at Peri-urban Ghana: Implications for Land Administration System Modeling." FIG. Available online: http://www.fig.net/pub/fig2009/papers/ts02a/ts02a_arkoadjei_etal_3311.pdf.
- Aryeetey, Ernest and Christopher Udry. 2010. Creating Property Rights: Land Banks in Ghana. American Economic Review, 100: 130-34.
- Asante, Alfred. 2004. Assessment of Food Import and Food Aid Against Support for Agricultural Development. Draft report for FAO. Available online: <http://foodsecurityghana.com/wp-content/uploads/2004/04/Ghana.pdf>.
- Assefa, Hizkias. 2001. "Coexistence and Reconciliation in the Northern Region of Ghana." From *Reconciliation, Justice, and Coexistence: Theory and Practice*. Available online: <http://www.brandeis.edu/ethics/pdfs/publications/assefa3.pdf>.
- Awusabo-Asare, Kofi. 1990. Matriliney and the New Intestate Succession Law of Ghana. Canadian Journal of African Studies /Revue Canadienne des Études Africaines. Canadian Association of African Studies, Vol. 24, No. 1: 1–16.
- Ayee, Joseph R.A. et al. 2008. "The Causes, Dynamic and Policy Implications of Land-Related Conflicts in the Greater Accra and Eastern Regions of Ghana. Local Context of Conflicts and Peacebuilding: Local Power Struggles, Conflict and Conflict Resolution in Ghana." Available online: <http://www.ascleiden.nl/Pdf/CDPghanareport1revisedOsaghae.pdf>.
- Boamah, Festus. 2011. "The Relationship between Land Grabbing for Biofuels and Food Security, a Bane or Boon? The Food Security Implications of Jatropha Biodiesel in Northern Ghana." Land Deals Politics Initiative.
- Bobobee, Christie. 2013. Personal communication, March 15 (email).

Booth, Frances E.M. and G. E. Wickens. 1988. Non-Timber Uses of Selected Arid Zone Trees and Shrubs in Africa. FAO.

Bugri, John Tiah. 2013a. Personal communication, February 26 (email).

Bugri, John Tiah. 2013b. Personal communication, February 1 (email).

Bugri, John Tiah. 2012a. "Improving the Land Sector Governance in Ghana: Implementation of the Land Governance Assessment Framework (LGAF), Final Report."

Bugri, John. 2012b. "Sustaining Customary Land Secretariats for Improved Interactive Land Governance in Ghana." Annual World Bank Conference on Land and Poverty. Washington, DC: World Bank.

Available online: http://landandpoverty.com/agenda/pdfs/paper/bugri_full_paper.pdf.

Bugri, J.T. 2008. "The dynamics of tenure security, agricultural production and environmental degradation in Africa: Evidence from stakeholders in north-east Ghana." *Land Use Policy*, 25:271–285.

Bugri, John and Adama Ekberg Coulibaly. 2012. "Ghana: Private investment flows and business models in Ghanaian agriculture." From Trends and Impacts of Foreign Investment in Developing Country Agriculture: Evidence from Case Studies. FAO: Rome.

Central Intelligence Agency. 2011. World Factbook: Ghana. Available online: <https://www.cia.gov/library/publications/the-worldfactbook/geos/gh.html>.

COLANDEF. 2011. "Community Sensitization and Gender Studies at Savelugu-Nanton Pilot Registration District (Revised Inception Report)." May.

Cotula, Lorenzo, Sonja Vermeulen, Rebeca Leonard and James Keeley. 2010. "Land Grab or Development Opportunity? Agricultural Investment and International Land Deals in Africa." IFAD. Available online: http://www.ifad.org/pub/land/land_grab.pdf.

Djokoto, Godwin and Kyeretwie Opoku. 2010. "Land Tenure in Ghana: Making a Case for Incorporation of Customary Law in Land Administration and Areas of Intervention by the Growing Forest Partnership." Growing Forest Partnerships. Available online: http://www.growingforestpartnerships.org/sites/growingforestpartnerships.org/files/gfp_a_land_tenure-gfp_project.pdf.

Douxchamps, S., A. Ayatunde and J. Barron. 2012. "Evolution of Agricultural Water Management in Rainfed Crop-Livestock Systems of the Volta Basin." CGIAR. Available online: <http://cgspace.cgiar.org/bitstream/handle/10568/21721/AWM%20Volta%20review%20final%20rv%20s.m.pdf?sequence=3>.

FAO. 2010. Gender and Land Rights Database: Ghana Report. Available online: <http://www.fao.org/gender/landrights/report/>.

FAO. 2006. Country Pasture/Forage Resources: Ghana. Available online:

<http://www.fao.org/ag/AGP/agpc/doc/Counprof/Ghana/Ghana.htm>.

FAO. 2005a. Aquastat: Ghana. Available online:

<http://www.fao.org/nr/water/aquastat/countries/ghana/index.stm>.

FAO. 2005b. Livestock Sector Brief: Ghana. Available online:

http://www.fao.org/ag/againfo/resources/en/publications/sector_briefs/lbs_GHA.pdf.

FAO. 2002. "Land Tenure and Rural Development." Rome: FAO. Available online:

<http://www.fao.org/docrep/005/Y4307E/y4307e00.htm>.

Fred-Mensah, Ben K. 1999. Capturing Ambiguities: Communal Conflict Management Alternative in Ghana. *World Development* 27 (6): 951–965.

Friends of the Earth. 2010. "Africa, Up for Grabs. The Scale and Impact of Land Grabbing for Agrofuels." Friends of the Earth, Europe. Available online:

http://www.foeeurope.org/agrofuels/FoEE_Africa_up_for_grabs_2010.pdf.

Gedzi, Victor. 2009. "Women and Property Inheritance after Intestate Succession Law 111 in Ghana."

Available online: https://editorialexpress.com/cgi-bin/conference/download.cgi?db_name=IAFFE2009&paper_id=325.

Ghana Web. 2010. "Foreign companies grab 37 percent of Ghana Cropland." 7 September. Available online: <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=189898>.

GNA. "Land Administration Project II (LAP 2) Committee Inaugurated." *Modern Ghana*, 20 March.

Available online: <http://www.modernghana.com/news/384530/1/land-administration-project-ii-lap-2-committee-ina.html>.

Government of Ghana, Ministry of Lands, Forests and Mines. 2008. *The Ghana Land Bank Directory*. Available online:

<http://www.ghanalap.gov.gh/privatecontent/File/lands%20commission%20folder/Land%20Bank%20Directory%202nd%20edition.pdf>.

Government of Ghana. 2011. "Cropped Area for Major Crops in Ghana – 2010." Available online:

http://mofa.gov.gh/site/?page_id=5873.

Government of Ghana. 2010. "Land Administration Project – 2." Available online:

<http://www.ghanalap.gov.gh/index1.php?linkid=283>.

Government of Ghana. 2008. *Lands Commission Act*. Available online:

<http://www.ghanalap.gov.gh/privatecontent/File/lands%20commission%20folder/LANDS%20COMMISSION%20BILL.pdf>.

Government of Ghana. 2006. *Minerals and Mining Act*. Available online:

<http://images.mofcom.gov.gh/accessory/201212/1354895180282.pdf>.

Government of Ghana. 1999. National Land Policy. Available online: http://new.uneca.org/Portals/lpi/CrossArticle/1/Land%20Policy%20Documents/GHANA_NATIONAL_LAND_POLICY.pdf.

Government of Ghana. 1994. Office of the Administrator of Stool Lands Act (Act 481). Available online: <http://ghanalegal.com/?id=3&law=188&t=ghana-laws>.

Government of Ghana. 1992. Constitution. Available online: http://www.judicial.gov.gh/constitution/second_schedule/home.htm.

Government of Ghana. 1986. Land Title Registration Act. Available online: <http://ghanalegal.com/?id=3&law=530&t=ghana-laws>.

Government of Ghana. 1985. Intestate Succession Act. Available online: http://focusonland.com/wp-content/uploads/2012/03/The_Intestate_Succession_Law.pdf.

Government of Ghana. N.d. "Northern Ghana." Available online: <http://www.ghana.gov.gh/index.php/about-ghana/regions/northern>.

Grown, Caren, Geeta Rao Gupta, Aslihan Kes. 2005. Taking Action: Achieving Gender Equality and Empowering Women. UN Millennium Project: Task Force on Education and Gender Equality 2005. Available online: http://www.unmillenniumproject.org/reports/TF_gender.htm.

Hanstad, Tim. "Designing Land Registration Systems for Developing Countries." American University International Law Review 13.3: 647-703 (1998).

Hughes, Ailey Kaiser, Anna Knox, Kelsey Jones-Casey. 2011a. "Rising Demand for Land and Tenure Insecurity in Ghana." Focus on Land in Africa. Available online: http://focusonland.com/wpcontent/uploads/2012/03/Ghana_Brief1_Landesia.pdf.

Hughes, Ailey Kaiser, Anna Knox, Kelsey Jones-Casey. 2011b. "Pressures on Land from Large-Scale Biofuel Production." Focus on Land in Africa. Available online: http://focusonland.com/wp-content/uploads/2012/03/Ghana_Brief2_Landesia.pdf.

IDLO. Strengthening Land Tenure Security for Women in Pluralist Legal Systems. Available online: http://www.idlo.int/english/Programs/Research/LegalEmpowerment/Documents/MozambiqueTanzania_inception_paper.pdf.

International Fund for Agricultural Development (IFAD). 2008. Rural Poverty Portal. Rome, IFAD. Available online: <http://www.ruralpovertyportal.org/>.

Jones-Casey, Kelsey and Anna Knox. 2011. "Ghana Lesson 4: Land Administration at a Crossroads." Focus on Land in Africa. Available online: http://www.wri.org/property-rights-africa/wriTest_Ghana/lessons/lesson4/documents/Ghana_Brief4_Landesia.pdf.

Kakraba-Ampeh, Mark. N.d. "Administration of Rural Lands – Customary Land Secretariats as Local Structures for Effective Rural Land Administration in Ghana."

Kasanga, K. and Kotey, N. A., 2001. *Land Management in Ghana: Building on Tradition and Modernity*. London, International Institute for Environment and Development. Available online: <http://pubs.iied.org/pdfs/9002IIED.pdf>.

Kludze, A.K.P. 1987. "Accountability of the Head of Family in Ghana: A Statutory Solution in Search of a Problem." *Journal of African Law*, Vol. 31, No. ½. Available online: <http://www.jstor.org/stable/745519> (subscription needed).

Kotey, N. A. 1995. "Land and Tree Tenure and Rural Development Forestry in Northern Ghana." *University of Ghana Law Journal*, pp. 102-132.

Kutsoati, Edward and Randall Morck. 2012. "Family Ties, Inheritance Rights, and Successful Poverty Aleviation: Evidence from Ghana." National Bureau of Economic Research. Available online: <http://www.africaneconomicconference.org/2012/Documents/Papers/AEC2012-434.pdf>.

Larbi, Dr. W. Odame. 2011. "Ghana's Land Administration Project: Accomplishments, Impacts and the Way Ahead." Available online: <http://siteresources.worldbank.org/INTIE/Resources/475495-1302790806106/GOV5Paper2Larbi.pdf>

Larbi, Dr. W. Odame. 2009. *Compulsory Land Acquisitions and Compensation in Ghana: Searching for Alternative Policies and Strategies*. Land Reform, Land Settlement and Cooperatives, 1:20–29.

Larbi, Dr. W. Odame. 2008. "Land Administration Reform in Ghana." Presentation at FIG Commission 7 Annual Meeting, 2008. Available online: http://www.fig.net/commission7/verona_am_2008/ppt/13_sept/10_1_larbi.pdf.

Larbi, Dr. W. Odame et al. 2004. *Compulsory Land Acquisition in Ghana – Policy and Praxis*. Land Use Policy 21: 115–127.

Library of Congress. 1994. "Ghana: Ethnic Groups." Available online: <http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field%28DOCID+gh0046%29>.

Manuh, Takyiwa. 1997. *Wives, Children, and Intestate Succession in Ghana*. In G. Mikell (Ed.), *African Feminism: The Politics of Survival in Sub-Saharan Africa*, 77–95. Philadelphia: University of Pennsylvania Press. Medeem. 2011.

Marchetta, Francesca. 2011. "On the Move: Livelihood Strategies in Northern Ghana." April. Available online: <http://www.cerdi.org/uploads/ed/2011/2011.13.pdf>.

Millenium Development Authority (MiDA). n.d. *Land Tenure Facilitation Activity*. <http://mida.gov.gh/sitTsikae/wp-content/uploads/2011/06/land.pdf>.

Minkah-Premo, Shiela and Christine Dowuona-Hammond. 2004. *Review of Studies Conducted on Gender and Land in Ghana for LAP and Support for Developing Gender Policy on Land Matters: Draft Final Report to The Coordinator, Ghana Land Administration Project, Ministry of Lands and Forestry, ACCRA*. Ghana Land Administration Project. Available online: <http://www.ghanalap.gov.gh/privatecontent/File/recent%20files/gender.pdf>.

Modern Ghana. N.d. "Fact Sheet: Northern Region." Available online: <http://www.modernghana.com/GhanaHome/regions/northern.asp>.

Mustapha, Suleiman. 2006. Profile of the Ghana Land Administration Project. The Statesman. Available online: http://www.thestatesmanonline.com/pages/news_detail.php?newsid=91§ion=9.

Namara, Regassa E., Leah Horowitz, Ben Nyamadi, and Boubacar Barry. 2011. Irrigation Development in Ghana: Past Experiences, Emerging Opportunities, and Future Directions. IFPRI. Available online: http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_228.pdf.

Opong-Anane, Kwame. 2006. "Country Pasture/Forage Resource Profiles: Ghana." Rome: FAO. Available online: <http://www.fao.org/ag/AGP/AGPC/doc/Counprof/PDF%20files/Ghana-English.pdf>.

Roth, Michael. 2010. "USAID Issue Brief: Land Tenure, Property Rights, and Food Security." USAID. Available online: http://usaidlandtenure.net/sites/default/files/USAID_Land_Tenure_Food_Security_and_Tenure_Issue_Brief.pdf.

Sarpong, George.A. 2006. Improving Tenure Security for the Rural Poor: Ghana Country Case Study. Available online: <ftp://ftp.fao.org/sd/sda/SDAR/sard/Ghana%20case%20%28final%20publica%29.pdf>.

Schoneveld, George C., Laura A. German and Eric Nutakor. 2010. "Paper Summary: Towards sustainable Biofuel Development: Assessing the Local Impacts of Large-Scale Foreign Land Acquisitions in Ghana." World Bank. Available online: <http://siteresources.worldbank.org/EXTARD/Resources/336681-1236436879081/5893311-1271205116054/schoneveld.pdf>.

Sittie, Rebecca. 2006. Land Title Registration: The Ghanaian Experience. Available online: http://www.fig.net/pub/fig2006/papers/ps07/ps07_15_sittie_0848.pdf.

Tonah, Steve. 2002. Fulani Pastoralists, Indigenous Farmers, and the Contest for Land in Northern Ghana. *Afrika Spectrum*. 37(1):43–59.

Tsikata, Dzodzi and Joseph Yaro. 2011. "Land Market Liberalization and Trans-National Commercial Land Deals in Ghana since the 1990's." Land Deals Politics Initiative. Available online: http://www.iss.nl/fileadmin/ASSETS/iss/Documents/Conference_papers/LDPI/33_Dzodzi_Tsikata_and_Joseph_Yaro.pdf.

Tsikato, Dzodzi and Wayo Seini. 2004. "Identities, Inequalities and Conflicts in Ghana. Centre for Research on Inequality, Human Security and Ethnicity." University of Oxford, Working Paper #5. Available online: <http://www.crise.ox.ac.uk/pubs/workingpaper5.pdf>.

Ubink, Janine and Julian Quan. 2008. How to combine tradition and modernity? Regulating customary land management in Ghana. *Land Use Policy*, 25:198–213.

United States Agency for International Development (USAID). 2012. "Ghana: Property Rights and Resource Governance Profile." Available online: http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Ghana_Profile.pdf.

United States Agency for International Development (USAID). N.d. "Natural Resource Management." Available online: <http://usaidlandtenure.net/issues/natural-resources-management>.

Van Asperen, Paul and Jaap Zevenbergen. 2006. "Towards Effective Pro-Poor Tools for Land Administration in Sub-Saharan Africa." FIG. Available online: http://www.fig.net/pub/fig2006/papers/ts35/ts35_03_vanasperen_zevenbergen_0482.pdf.

Van der Geest, Kees. 2011. "North-South Migration in Ghana: What Role for the Environment?" International Migration. Available online: http://www.geest.socsci.uva.nl/publications/vandergeest_2011_bookmarks.PDF.

WaterAid Ghana. 2009. A Study on Land Tenure in Urban Areas Report. http://www.wateraid.org/documents/plugin_documents/land_tenure_study_report.pdf.

Wilusz, Daniel. 2010. "Qualitative Indicators for Common Property Tenure Security." Rome: International Land Coalition. Available online: <http://www.landcoalition.org/sites/default/files/publication/985/web.pdf>.

Wolter, Denise. "Ghana: Agriculture is Becoming a Business." OECD. Available online: <http://www.oecd.org/dev/40533289.pdf>.

World Bank. 2011a. Republic of Ghana: Tackling Poverty in Northern Ghana. Washington DC: World Bank, March 1. Available online: <http://oneworldtrust.org/climategovernance/sites/default/files/publications/ebaines/Tackling%20Poverty%20in%20Northern%20Ghana.pdf>.

World Bank. 2011b. "Implementation Completion and Results Report on a Credit in the Amount of SDR 15.1 Million to the Republic of Ghana for a Land Administration Project." World Bank, December 27. Available online: http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2012/01/01/000333037_20120101231935/Rendered/PDF/ICR20830P071150sclosed0Dec030020110.pdf.

World Food Programme (WFP). 2009. "Comprehensive Food Security and Vulnerability Analysis: Republic of Ghana." Available online: <http://documents.wfp.org/stellent/groups/public/documents/ena/wfp201820.pdf>.

Yirrah, Nana Ama. 2013a. Personal communication, February 25 (email).

Yirrah, Nana Ama. 2013b. Personal communication, March 28 (email).

APPENDIX

2

APPENDIX 2: KEY ISSUES AND INDICATORS

AGRA: Land Tenure and Property Rights Assessment Tool for the Northern Region of Ghana Preliminary Draft Outline, March 21, 2013 Landesa

Purpose and scope of outline: The purpose of this outline is to summarize the topical areas for exploration in the land tenure/property rights risk assessment exercise. It is meant to identify themes and issues. Although these are provided in question format, the outline is *not* meant to comprise a final list of questions to be asked directly to stakeholders in the Northern Region. Rather, once we reach agreement on the outline, we will proceed to reframe the issues, providing detailed questions in a context-sensitive manner. The outline is generally geared toward an interview or focus group discussion with stakeholders in category (1) below (smallholder with customary rights). We will develop a specific set of questions for each of several different categories of stakeholders, including those mentioned in the box. These would be based on the issues identified in the outline, but would include additional questions/issues as relevant.

Specific iterations/components of tool need to be tailored to several groups of stakeholders, including:

- 1) smallholders with customary rights (including usufructuary, customary freehold)
- 2) women smallholders (including both women heads of households and spouses)
- 3) chiefs/ holders of allodial title (including paramount, division and sub-division chiefs if possible—possibly also clan and family leaders/sub-leaders)
- 4) other customary leaders involved with land governance or dispute resolution (including, as applicable, earth priests, elders)
- 4) CLS management
- 5) local government officials
- 7) district registration officials
- 8) commercial farm sector

Preliminary: For each respondent, record ethnic affiliation, village location, date and time of interview

Family structure and assets

- Husband/wife (or wives)?
- Children? Ages of children—school? (Or ask later if seems sensitive)
- Other family members/dependents?
- Non-land assets belonging to the family and source of each of these? (including livestock, trees, business interests, etc.) Who in the household works in each of these?

Land allocations and ownership (or rights holding) patterns

- Describe land holdings
- Size of land holdings—total land held within household (describe and give sense of lay-out, e.g., are all holdings contiguous? Do holdings include household vegetable plots, etc. and also crop lands?)
- For how long has the household or individual held the land, and how was it acquired? (go over this for each different parcel of household land)

- Who is the recognized holder of land rights for household parcel? If not interviewee, then who? (husband? father? other?) (May want to ask this in alternative way: who owns your land? does anyone other than you have a right to the land?)
- If need extra land, can get it through allocation by customary authority?
- If received land by authority, could authority also take it away or change it in any way?

Land use and production

- What are current uses of land, and production levels? (details)
- What are desired uses for land?
- How much of the land is in use?
- Is current land holding sufficient? (why or why not)
- Is current land holding excessive? (And is there excess land in the village?)
- Have use or production levels on your own land changed in recent years? How about land in the village, district, region? If so, why? Foresee future changes?
- Who makes decisions about land use and production within the household? Within the community?

Communal lands and natural resources

- Describe communal lands (could include pastures, forests, agricultural areas, etc.)
- How are these used within the community, and who decides this?
- Does your family use communal lands? For what? Who within the household? What products generated and how are they used or sold? Amount of income?
- Perceptions of communal land: has access changed over time? Sense of security?
- Is access to water an issue? How allocated/ negotiated among customary users?

Inputs, markets and income

- What are production and operating expenses?
- How pay for these? Access to credit?
- Who provides labor? (intra-hh distribution)
- Where does produce go? Any part of it sold? If so, where or to whom?
- Transportation?
- Brokers? (fees?)
- What is the primary factor(s) limiting production? Could you farm more land if you had it?

Transactions/acquisitions

- Incidence of and terms (price, length, etc.) for:
 - Sales
 - Lease
 - Sharecrop/ other
 - Inheritance
 - Gift
- Do any of these transactions happen among households holding customary usufructuary rights and if so, how are they recognized or recorded?
- Do or can allodial title holders make deals that would affect the rights of those holding land within the allodial title area?
- Do or can households within one allodial title area/village transact land with those in another allodial title area?
- Do or can outsiders buy land rights in the area and if so, from whom and to with what effect on customary rights holders? (Any incidence of this in the village, region, etc.—fully explore perceptions, etc.)

- Can and do women transact land?
- Inheritance
 - Are inheritance expectations clear (do you know what land you will inherit and/or bequeath to your children?)
 - How are these decisions made?
 - Can women inherit or bequeath?

Registration/recording of land rights

- How are your land rights marked out on the ground?
- How are the rights to your land recorded or registered?
- Whose name is on the registration or recording document? Women? Does joint-titling ever take place?
- If not registered, why? (e.g., no system in place, fees and other transaction costs too high, etc.)
- If not registered, how are your rights recognized/acknowledged?
- Do people in community know who owns what land? Do people outside the community need to know? Why? How would they find out?
- Would it be helpful if your rights were registered or recorded and if so, why?

Compulsory acquisition

- Any takings? (if so, discuss purpose, process, displacement, resettlement, compensation, etc.)
- Instances where takings have been returned? On what terms?
- Concerns in regard to future takings?
- Intra-household distribution of compensation?

Conflicts and dispute resolution

- Have you ever had a conflict pertaining to your land (describe)
- How resolved?
- Any conflicts by others in the community? (describe)
- How resolved?
- If you had a conflict in the future, where would you go?

Gender issues

- Wives
 - Role in ag production? (Describe daily tasks)
 - Do wives have secure rights to their own house and garden plot?
 - How do wives access household land?
 - Other land, such as that held communally?
 - Role in marketing/ sales? Control over income?
 - Membership in any sort of group or association? (e.g., women's saving groups)
 - Marriage registered?
- Female heads of household
 - Circumstances? (separated, divorced, widowed, husband moved to city, etc.)
 - Hold any land? How obtained?
 - Recognized holder of land rights? Full, secure use of these rights? If not, how and why?
 - Impediments to production or market sales related to gender?

Institutions

1. Customary

- Customary leadership and land governance, inc. dispute resolution?
- What are local customary rules around land allocations, transactions, dispute resolution, etc.
- How are these determined? Are they well known by community members? (why or why not)
- How does customary leadership communicate with community members? (women?)
- Is communication sufficient? If not, how improve?
- Any chances to participate in community governance or dispute resolution? (women? Pastoralists and other potentially vulnerable groups?)
- Who is the official rights holder of your land? What is your relationship to him/her?
- What rights does this person have to your land?
- General perceptions/concerns?

2. CLSs

- Is there a CLS for this village?
- Where?
- Membership? Who's on it and how was this determined?
- Any chance for women to participate in CLS functions?
- Role?
- Records land rights? How? Fees? Accessibility? Benefits to recording rights with CLS?
- How does CLS communicate with community members? Women?
- Is communication sufficient? If not, how improve?
- General perceptions/concerns?

3. Formal (location, role, perceptions for each of these)

- District level government/assembly
- National Lands Commission
- OASL
- Town and Country Planning Department
- Courts/ judicial system
- Any chance for women to participate in any of these institutions?
- How do these institutions communicate with community members? Women?
- Is communication sufficient? If not, how improve?
- General perceptions/concerns?

Additional issues and background themes (to be addressed in selective interviews as relevant, possible, appropriate):

- Migration (both out and in)—what happens to land rights when they are abandoned by a household, or when male head of household moves to city? Any in-migration trends?
- Demographic patterns (age of population, expected population trends)
- Literacy and communications
- Commercial farming/ LSAL—make sure we capture full details when this comes up
- Registration/recording of customary rights
- Climate change and changing land use and crop patterns

APPENDIX

3

APPENDIX 3: QUESTIONNAIRE GUIDELINES

Landesa/AGRA Risk Assessment Questions

30 April 2013

Preliminary section (purpose is to have some idea of who is in the group we are interviewing)

- Do all people in this group have land?
- If not, do they work on the land? Whose land?
- (Describe basic land set up of the village)

I. LAND RIGHTS SECURITY SNAPSHOT

SECTION 1: Land rights are legitimate:

- 1) They know their rights
 - a) What are the most common ways members of this group gain rights to land (e.g., customary freehold from allodial titleholder, by inheritance (from husband/spouse, from family), by gift, purchase, lease from husband/spouse/family)?
 - b) Do members of this group have the right to:
 - i) Use land? Which land? In what ways?
 - ii) Acquire land? From whom? Lease or purchase? Terms? Does this right only apply to certain categories of land? Which ones?
 - iii) Dispose of land? To whom? Lease or purchase? Are there restrictions to this right?
 - iv) Have there been large-scale sales or leases?
 - v) Inherit land? From whom? Which land? All types? Are there any conditions which affect your inheritance (e.g., marriage, children)? When does inheritance occur?
 - vi) Bequeath land? To whom?
 - vii) Gift land? To whom?
 - viii) Use land for collateral for a loan?
 - c) For the above rights, how do you know whether you have (or don't have) these rights? What is the source of the right? Community norms and practices? Other? Do people here use/exercise these rights? (e.g., if not clear from responses under (b) above, ask whether people actually sell, rent, bequeath land to girls, use land for collateral, etc.)
 - d) Can this group exercise the above rights independently? Or only with input/permission from others, such as community or family members? Who must be involved in decision-making?
 - e) Does anyone else have rights to the land held by members of this group? Who? What are their rights? In cases of conflict, whose rights are stronger? (cover both other members of the nucleus families and members of the community)
 - f) What could cause you to lose rights/access to land?
 - g) Do women have the same ability to access and control land in this community as do men? (Does the answer vary from household to household?)

- 2) Their rights are recognized by their community
 - a) How do other people in this community know where your land is and what the boundaries to it are?
 - b) If someone (an outsider/neighbor) violates your rights to land, does your community help you to protect/defend that right? How does it do this?
- 3) Their rights are recognized by their religious leaders
 - a) What role do tendana play in land governance?
- 4) Their rights are recognized by their families
 - a) Who is considered to be the family head?
- 5) Land rights are recorded
 - a) Does anyone in this group have rights to land that are recorded or registered? (If answer is “no”, skip to question “f”)
 - b) Which rights are recorded? Where? In whose name?
 - c) How are rights recorded? How is the process initiated? How long does it take? Does it cost any money? If so, how much? Is everyone able to pay this amount?
 - d) Are boundaries and other rights confirmed/verified before they are recorded? How? Are there procedures in place to make sure rights are recorded correctly?
 - e) Is the right holder provided with documentation of recorded rights? Whose name is on the document (joint-titling? Only head of household?)?
 - f) Are there any benefits to recording rights? Discuss. Are rights considered more secure if they are recorded? Vis-à-vis people in your own community? People in a different community?

SECTION 2: Land rights are not vulnerable to changes:

- 1) Their rights will remain the same despite changes in marital status
 - a) Do single women have any rights to own or use land?
 - b) To what land do they have access? In what ways? Are there land rights different if they marry from within or outside the community?
 - c) Will the rights of a member of this group change if s/he gets married? Are marriages usually formalized? How? Do men who want to marry usually have to pay dowry/bride price to a woman/her family? What form does the dowry/bride price take (e.g., cash, land, animals)? When is it paid?
 - d) What happens with land within marriages? Do women have their own plots? Do husbands and wives own land together? Does it matter (in terms of what they may do with it) whether land was bought within the marriage or inherited by one of the spouses?
 - e) Do women usually marry men from their village or from another village? In general, does a woman move to her husband’s household when she marries?
 - f) How common is divorce? Are women allowed to initiate a divorce? If a person gets divorced or is abandoned by his/her spouse, what happens to the couple’s land? Where does the wife go if she leaves her husband?

- g) (For customary/family land) What about if the woman wants to remarry – does this affect a woman’s rights to land after divorce?
 - h) What about for informal unions – if a couple lives together for many years as husband and wife, but are never formally married (even under customs), what happens to the land if they separate?
 - i) Will land rights change for the first wife/wives if the husband marries another wife? Do multiple wives live together in the same household or separately? Do they each have their own allotment of land?
 - j) What happens to land if the husband/wife dies? Who decides what will happen to the land? Will any of the surviving spouse(s) lose ownership or access rights? Are widows’ continued access rights dependent on any conditions (e.g., birth of children, birth of sons, marriage to husband’s brother, must be member of the same community, cannot remarry)? ? Are these changes in ownership/control upon death of a spouse documented anywhere?
- 2) Their rights will remain the same despite changes in the family structure (other than divorce)
- a) Will this group’s land rights change if children are born? Do the effects differ depending on whether sons or daughters are born?
 - b) How will this group’s rights change if the husband marries another wife?
 - c) How will this group’s rights change if the husband migrates away from the community? Are wives’ rights to land stronger/more secure if their husband is physically present?
 - d) How is inheritance determined in this community? Who can members of this group inherit from? Do members of this group lose access if the head of household passes away?
 - e) Are single unmarried women ever heads of households?
- 3) Their rights will remain the same if the local chief changes
- a) What land rights are granted by the local chief? How long do those rights endure?
 - b) Can the local leader rescind (or change) land rights granted by the previous local leader? Has this ever happened in fact? If yes, under what circumstances? How often does it happen? Is compensation provided for those who lose access to land?
 - c) Are there limits placed on the local leader’s ability to grant or rescind land rights to this group? Is there a process (e.g. consultation or meeting) that a leader must go through in order to change rules and rights to land?
- 4) Their rights will remain the same if the paramount or sub-paramount chief changes
- a) What rights are granted by the paramount or divisional chief? How long do those rights endure?
 - b) Can the local leader rescind (or change) land rights granted by the previous local leader? Has this ever happened in fact? If yes, under what circumstances? How often does it happen? Is compensation provided for those who lose access to land?
 - c) Are there limits placed on paramount or divisional chiefs’ ability to grant or rescind land rights to this group? Is there a process (e.g. consultation or meeting) that a leader must go through in order to change rules and rights to land?
- 5) Their rights will remain the same even if they are not able to use the land

- a) How much land in this area is unused?
 - b) What are the common reasons land goes unused?
 - c) Are this group's rights dependent on whether they use the land? Has anyone here ever lost land rights because they've left their land unutilized or because they've used it for the wrong purpose?
 - d) Should people be able to retain a claim to land that has fallen out of use?
- 6) Their rights will remain the same despite changes in the local population
- a) Do most people have access to a sufficient amount of land? Are there any people with no land?
 - b) Has this area experienced recent changes in population? What are the causes of these changes?
 - c) How do newcomers gain access to land?
 - d) Has anyone lost access to land to which they previously had rights as a result of an increasing population?
 - e) Are there many female-headed households in this area? If yes, why?
 - f) Do female-headed households face different challenges and constraints to land ownership and access than male-headed households?

Section 3: Land rights can be enforced

- 1) They know where to present claims
- a) Do people here ever have disputes/problems about their land?
 - b) What kind?
 - c) Are there places people can go if they have a problem or dispute concerning their land rights?
 - d) Where do people in this group go if they have a problem or dispute concerning their land rights? (If not the same answer as for question above, ask why the difference.)
 - e) What kind of help do they receive there?
- 2) They can afford to present claims
- a) Do people have to make a payment for this help?
 - b) If so, in what amount?
 - c) Do people think this amount is reasonable?
 - d) Are all people able to pay this amount?
- 3) They are able to present claims
- e) Where is the location of the place(s) mentioned above?
 - f) Can everyone get to it with ease?
 - g) Is it necessary to have a representative or with you when you present a claim? Of what sort?
 - h) Can everyone obtain a representative or with ease?
 - i) What is the expected payment for this person? Are all people able to pay this amount?
- 4) Their cases will be resolved in a timely fashion
- j) How long does it usually take to resolve claims?
 - k) Is this time too short? Too long? About right?
- 5) A resolution in their favor will be implemented

- l) How is the decision about the claim by XX dispute resolution authority made known?
- m) Are these decisions generally respected within the community? By those outside of the community?
- n) What happens if it is not respected?

Section 4: Land rights are secure for a long and defined period of time

- 1) Takings/ compulsory acquisition
 - a) Are there any circumstances by which the government can take your land?
 - b) Has that ever happened in this community? If so, describe. (If the answer is no, skip rest of questions under (1).)
 - c) Is compensation required? If so, what kind? Do people in this group think that the compensation amount is enough to cover losses to the landholder?
 - d) Who exactly is entitled to the compensation? Within the community? Within the household?
 - e) How does the landholder find out about the takings?
 - f) Do they have any chance to reject the government's claim? Compensation amounts?

II. NEEDS AND OPPORTUNITIES SNAPSHOT

Section 1: Control over Land – Involvement in decisions on...

- 1) How to use the land
 - a) Do people in this group decide how to use their land? Do they share this authority with anyone? If so, whom? (*repeat question structure for remainder of list, with variations as noted*)
- 2) How to use what is produced
- 3) How to use the proceeds of what is produced
 - a) Do people in this group sell their crops? Do most people? Some people? Where do they sell? How much do they get?
 - b) Who in the household has control over the money from crop sales? Do they share this authority with anyone? If so, whom?

Section 2: Have adequate access to complementary resources

- 1) Water/irrigation
 - a) Do people in group have access to the water they need?
 - b) If not, why not? Cost/affordability?
- 2) Seeds
 - a) Do people in group have access to the seeds they need?
 - b) If not, why not?
 - c) Source of seeds? Price (if relevant)?
- 3) Fertilizers
 - a) Do people in group have access to the fertilizer they need?
 - b) If not, why not?
 - c) Source of fertilizer? Price (if relevant)?
- 4) Extension services

- a) Are there any extension services that benefit this group? Describe
- b) Sufficient? Cost?
- 5) Information
 - a) Do people in group have access to the market and pricing info they need?
 - b) If not, why not?
- 6) Source of info?
- 7) Labor market
 - a) Can people in the group get all the labor/help they need to work their land?
 - b) If not, why not?
 - c) Source of labor? Wages (if relevant)?
- 8) Output markets
 - a) Where do you sell your goods?
 - b) Prices?
 - c) Distance?
- 9) General impressions of constraints
 - a) What is the most important thing that you would need to grow more on your land? To earn more money from the crops you grow?

Section 3: Governance:

- 1) Participate/are included in community meetings
 - a) Are there community meetings about land?
 - b) How often are these community meetings held?
 - c) How are community members notified of upcoming meetings?
 - d) Who may attend community meetings? Do both women and men attend? Who may speak at meetings? Do both women and men speak/participate?
 - e) If decisions are made through a vote, who may vote?
- 2) Represented in decision-making bodies
 - a) Which bodies have the authority to make decisions regarding land in this community?
 - b) Who are the members of that body? Are there any women members?
- 3) Have negotiation skills or someone to represent them as a group
 - a) Are members of this group able to advocate for their own rights? Do they require assistance from others?

Section 4: Livelihood strategy:

- 1) Current livelihood directly tied to land
 - a) What are your primary sources of income?
 - b) How do you use your land?
 - c) Do members of this group generate income from communal land and resources? What products are generated from communal land and how are they used or sold?
 - d) What are common daily tasks? (OR) Describe the work a member of this group would do in a typical day. Do tasks change with the seasons, or remain the same year-round?
 - e) Do most people have access to a sufficient amount of land to support yourself/your family? If not, what prevents you from accessing the land for themselves and their families?

- f) Do some people have rights to more land that they need? If so, does anyone else use this land?
- g) Could some/most people use more land if they had it? If so, why don't they obtain it through allocation, leasing in, purchase, etc.?
- h) Do members of this group face challenges or constraints to efficient land use and production? What are primary/common challenges limiting production?
- i) Have land use and production levels changed in recent years? If yes, what has caused this change?
- j) Do you foresee changes in land use and production levels in the future? Why?
- 2) Division of labor within household
 - a) Are there tasks that are reserved solely for women? Which tasks? Why?
 - b) Are there tasks that are reserved solely for men? Which tasks? Why?
- 3) Have access to livelihood strategies that do not require access to land
 - a) Do people in this community have other sources of income?
 - b) How much income can typically be generated from activities unrelated to land?
 - c) Do members of this group face challenges or constraints to generating sufficient income from these activities? What are the most common challenges?
 - d) Do most people believe that farming and other land-based activities will provide them with enough income to survive in the future? Do they see farming and other land-based activities as their preferred livelihood strategy for the future? Are there other income-generating activities in which members of this group would prefer to be involved? Why?
 - e) Would you like for your children to become farmers?

III. LAND DEALS SNAPSHOT

Preliminary (find out, if possible, prior to group interview)

1. Type of land transacted: was the land privately owned, customarily held, or formally owned by or vested in the state?
2. Identity of buyer or lessor?
3. How was the deal initiated? (Who did the buyer initially approach? How did they know to approach that person? Was the buyer interested in a particular tract of land? How appropriate was the land for the investment?)
4. How much land?
5. How was land used prior to acquisition?
6. How is land used now? Can some or all of the original users/owners of the land still use it for any purpose?
7. Price paid? To whom? If only to allodial titleholder, was any of the compensation later distributed to other community members?
8. Additional terms of agreement regarding benefits sharing with community, outgrower farmers, etc.? Did the investor make any promises to the community? If so, did it honor these?
9. Lease or sale? Length of lease?
10. Who represented the seller or lessor? (National government authorities, local leaders, local farmers associations, etc.)

Section 1: Access to information

- 1) They received information directly
 - a) How did people in this group find out about the deal?
- 2) They received information through others in the community (or leaders?)
 - a) (see above)
- 3) They received information through mass media
 - a) (see above)
- 4) The information was accurate, timely and sufficient for decision-making
 - a) When did people in this group find out about the deal? At that time, what did they find out?
 - b) Did people in this group find out about the deal before or after others in the community?
 - c) Did people in this group receive enough information?
 - d) If not, was there a place to go to get more information?
 - e) Was the information helpful?

Section 2: Consultation and approval process

- 1) They were consulted directly
 - a) Was it possible for people in this group to give their opinion about the deal? How and to whom?
 - b) If someone wasn't directly asked, could they have given their opinion anyway? How?
 - c) Were there any community meetings held about the deal? If so, did members of this group attend? (If not, why not?)
 - d) Who held the consultation meetings? (Was it government? Investor? Skin? Legal representatives (lawyers) of investors?) Were the meetings held in a way that invited input from this group (or was it confusing, intimidating, uncomfortable?)
 - e) Did all people in the community have an equal chance to give their opinion about the deal?
 - f) Did these opinions make a difference? If not, was an explanation of why their concerns were not addressed provided?
 - g) Did people in this group, or in the community as a whole, have any kind of representative to help negotiate or provide a group opinion on the deal?
 - h) Are people in this group aware of the government's guidelines on large scale land deals? If so, do they see these being enforced?
- 2) They were consulted through others in the community
 - a) (see above questions)
- 3) They participated adequately in the decision-making process
 - a) (see above questions)
 - b) Did people in this group have a right to participate in the decision-making process? (If no, ask whether they think they should have a right to participate.)
 - c) Did they exercise this right?

- d) Did people in this group understand the terms of the deal well? If not, was there someone available (e.g. from government) to help them understand in order to ensure that they really knew what they were agreeing to?
- e) Are people in this group generally satisfied with the outcome of the deal? (why or why not)

Section 3: Positive and negative effects

- 1) Directly employed on commercial/ investing farm
 - a) Do members of this group have jobs on the farm or otherwise related to the acquisition?
 - b) Overall, how many people in the community are employed on the commercial farm?
 - c) Do those employed on the farm make enough money to support themselves/their families? How does their income compare to what they were able to generate on their own farms?
- 2) Signed on as a contract farmer/outgrower
 - a) Do members of this group have production contracts with the company? (describe)
 - b) Are the terms agreeable?
 - c) Did anyone help the farmers negotiate the contract?
 - d) What do people in this group generally think about the contracts? Benefits? Disadvantages?
 - e) Were all people given an equal chance to be contract farmers?
 - f) Were all interested people in the community able to sign contracts?
 - g) Are the contracts with households or with individuals? Who signs?
 - h) Can women be contract farmers?
 - i) Do people have signed copies of the agreements?
 - j) Are the agreements written in a way that is understandable?
 - k) Do the outgrower farmers have an association that serves as their voice? If so, describe role of Association, and also its effectiveness.
- 3) Gained access to new and improved infrastructure
 - a) Has the land deal brought any improvements in roads? Bridges? Electrical coverage? Other?
 - b) Has it resulted in damages to any of these, or reduced access to infrastructure by people in this group?
- 4) Gained access to markets
 - a) Has the land deal increased access to input markets (seeds, fertilizers, etc.) by people in this group? Decreased access? Have prices of basic commodities changed as a result of the deal/market changes?
 - b) As a result of the deal, do people in this group have new places to sell their crops and other goods? Have they lost any places where they used to sell their goods?
- 5) Lost land
 - a) Have people in this group lost any land because of the deal? Has anyone in this group gained land?
- 6) Lost housing
 - a) Have people in this group lost housing because of the deal? Anyone gained housing?
- 7) Lost livelihood

- a) Have people in this group lost any form of livelihood from the deal (crop sales, wage labor, forest products, etc.)?
- 8) Lost communal/pastoral use rights
 - a) Have people in this group lost access to common land or pasture land because of the deal?
 - b) Have people in this group lost access to forests because of the deal?
- 9) Lost water rights
 - a) Have people in this group lost access to water because of the deal?
- 10) Environmental damage
 - a) Has the land deal had any impact on the natural resources in this community?
- 11) Changes to food security
 - a) Is this community growing more or less food than it was before the land deal? (Note: we may want to leave this off, answer the question through prelim info gathered above.)
- 12) General effects
 - a) How does this group view the effects of the land deal up until now on the community?
 - b) How does this group view the long-term effects of the land deal on the community?

Section 4: Compensation

- 1) Received adequate compensation for any of the above losses
 - a) Was anyone in this group compensated for any of the losses noted above? If so, how?
 - b) Who paid compensation?
 - c) Who received compensation? Within the household? Within the community? Were people in the community compensated equally?
- 2) If displaced, have received sufficient support for relocating
 - a) Were people in this community displaced by the deal? People in this group?
 - b) Were these people provided with a resettlement option? If so, where was the land? Describe.
 - c) What were the advantages and disadvantages of resettlement for this group?
 - d) Do people in this group think the compensation discussed above was fair? Explain.

Section 5: Dispute resolution

- 1) The dispute resolution process was known and accessible, in the event of conflict
 - a) Did everyone in this group agree to the land deal?
 - b) Did everyone in this group agree to the level of compensation?
 - c) If someone did not agree, could they make a complaint somewhere? If so, where? What cost? Do people need someone to represent them?
 - d) Are the decisions generally considered to be fair by this group? (or – Are the members of the group generally satisfied with the decisions/outcome of this process?)
- 2) Those who were not satisfied with the outcome had an opportunity to appeal
 - a) If the decision above was not favorable, could the person complaining appeal? If so, where? What cost? Do people need someone to represent them?
 - b) Are the decisions generally considered to be fair by this group?
- 3) Decisions made by the dispute resolution body were enforced

- a) Are the decisions about the disputes enforced? By whom?
- b) What can people in this group do if the decision is not enforced?

IV. INSTITUTIONAL SUPPORT SNAPSHOT

Section 1: Customary Leaders (questions for customary leaders):

- 1) Recognize this group as having legitimate rights to land
 - a) Are members of the community included in decision-making about land? (Specify for each stakeholder group: male heads of household; female heads of household; women within male-headed households; migrants/strangers; youth—follow this approach for all questions below.)
 - b) Do members of (each stakeholder group) hold any leadership positions?
 - c) What are the communities' rights to land?
 - d) How do members of the community gain access to land?
 - e) Are the rights of some members of the community subject to the rights of others?
 - f) Are community members' rights recorded or otherwise formally acknowledged? How?
 - g) Can you change the land rights of community members? With or without their consent?
 - h) Can you make deals affecting community members' land rights? If yes, do you require their consent or provide them with compensation for lost rights? What are the processes and procedures for doing so?
 - i) Can anyone else make deals affecting community members' rights to land? Who? Do they require the consent of land holders and/or provide them with compensation for lost rights? What are the processes and procedures for doing so?
- 2) Recognize this group as having land rights equal to those of other groups
 - a) Do community members face any limitations in the exercise of their land rights? Are these limitations for some groups different from those imposed on other groups?
 - b) Are some community members' rights considered secondary to the rights of others?
 - c) Do community members require consent or permission from others in order to exercise their land rights?
- 3) Recognize that they have a responsibility to implement/protect this group's rights to land
 - a) What are your responsibilities with respect to land administration and management in this community? What is the source of these responsibilities—where do they come from? Tradition or culture? Laws or Const?
 - b) Are you involved in the implementation and protection of community members' rights to land?
 - i) If yes, how?
 - ii) If no, why not? Is someone else responsible for this group? If so, who?
 - c) What do you do if an outsider (stranger, investor, government official) wants to lease/purchase land? What land do you offer? What compensation do you require? Who is entitled to compensation? Are there processes and/or procedures in place for land transactions?

- 4) Have the resources and capacity to fulfill their responsibilities to implement/protect this group's rights to land
 - a) How common are land disputes in this area?
 - b) Who is responsible for resolving land disputes?
 - c) How long does it typically take for a dispute to be resolved? What accounts for this time? What factors affect the length of time it takes to resolve a dispute (e.g., complexity of the dispute, lack of resources, too many disputes)?
 - d) What processes and procedures are used to resolve disputes over land? What sources do you consult when making decisions (e.g., customary law, local law, social norms)?
 - e) Is the community familiar with customary rules regarding land allocations and transfers? Is the community involved with determining these? If yes, how?
 - f) Is the community familiar with dispute resolution processes and procedures? Is the community involved in the determination of these? If yes, how?
 - g) Do you have sufficient funds and resources to manage and resolve the land disputes in your jurisdiction? If no, what resources are lacking?
- 5) Have a good track record of implementing and protecting this group's rights to land
 - a) How often do community members come to you with disputes over land?
 - b) Do community members approach you directly or through others?
 - c) What are the most common types of disputes you hear from community members?
 - d) Do you feel as though you have the support, information, and resources that you need to handle these disputes? If not, what resources do you need? What do you do if you find you cannot handle a dispute due to a lack of support/information/resources?
 - e) How often do you make decisions in favor of (members of each of the stakeholder groups)? How often are their claims rejected?
 - f) If someone is unhappy with a decision made by you or other leaders, do they have any further recourse? What can they do if they feel they have been treated unfairly or a decision was made incorrectly?
- 6) Policy issues
 - a) Large Scale Land Acquisition Guidelines—are you aware of these? Are they being implemented here? If so, what changes do you see, and what changes do you expect to see in the future.
 - b) Spousal Property Bill—Are you aware of this bill? Would adoption of the bill create changes in this area? Please describe.

Section 2: Customary Land Secretariats; National and Regional Land Commission; Office of the Administrator of Stool Lands (questions for the institution):

- 1) Have adequate representation of women as members
 - a) Total membership?
 - b) Total female membership?
 - c) Have you made any efforts to recruit women? If yes, please describe. If no, why not (lack of qualified women, lack of interest from women, lack of interest from institution etc...)?
- 2) Have sufficient legal/regulatory mandate to fulfill their responsibility
 - a) Is there a law or regulation which established this agency? If yes, which law/regulation?
 - b) If not, what is the source of this institution's mandate?

- c) What authority and powers does this institution hold over land?
- 3) Have processes, rules, and/or regulations that define their responsibility to implement/protect this group's rights to land
 - a) Has this institution established any processes, rules or regulations to define their responsibility towards land and the community?
 - b) How does this institution interact with the customary authorities? Do your responsibilities overlap in any areas? If so, how is this tension resolved?
- 4) Have the budget/resources to fulfill their responsibility to implement/protect women's and other vulnerable groups' rights to land
 - a) Does this institution have sufficient staff to fulfill its responsibilities? Are any staff positions currently unfilled? Why?
 - b) Does this institution have sufficient office facilities (space, equipment) to perform its duties? If no, what resources are currently lacking? Why?
 - c) How would this institution use additional funding if it became available?
- 5) Have the capacity (qualified staff) to fulfill their responsibility to implement/protect women's and other vulnerable groups' rights to land
 - a) Is there a sufficient number of staff to perform the duties of this institution in an efficient manner?
 - b) Has the institution succeeded at attracting qualified staff? How are positions filled? How are applicants evaluated?
 - c) Has this institution's staff received training in any of the following areas?
 - i) Legal literacy around land (Constitution, law/regulation establishing the institution, land-related laws/regulations)
 - ii) Land administration
 - iii) Alternative Dispute Resolution
 - iv) Customary land governance
 - v) Gender sensitivity
 - vi) Proper land acquisition procedures
 - vii) Smallholder farming
 - viii) Other?
- 6) Have a good track record of implementing women's and other vulnerable groups' rights to land
 - a) How often do members of these groups come to you with disputes over land?
 - b) Do members of these groups approach you directly or through others?
 - c) What are the most common types of disputes you hear from members of these groups?
 - d) How often do you make decisions in favor of members of these groups? How often are their claims rejected?

Section 3: Community Perceptions of Government Institutions (questions for FGDs. Ask for each institution):

- 1) Has authority over land
 - a) Have you heard of this institution?
 - b) What is this institution's purpose? Does it have any authority over land? What is the extent of its authority?

- c) If you have a land dispute, will you go to this institution to resolve it? Why or why not?
- 2) Recognizes and protects this group's rights to land
 - a) Does this institution recognize the land rights of members of (each of the stakeholders groups)? Which rights? How are they recognized?
 - b) Does this institution record the land rights of (members of each of the stakeholder groups)? What is the procedure for recordation?
 - c) Is this institution fair and impartial to members (of each of the stakeholder groups) in allocation of land, land governance and land disputes?

APPENDIX

4

APPENDIX 4 (1): IN-COUNTRY RESEARCH STRATEGY

Initial Team Guidelines for Implementation of the LTPR Risk Assessment in Northern Region, Ghana¹

Primary strategic/methodological issues in implementing the LTPR Risk Assessment in Northern Region

(1) Small group interviews. Our preferred methodology will be small group (3-10 people) interviews, where respondents will be answering questions as they relate to the community, rather than to themselves as individuals. We estimate that each of these will take 2-3 hours, and that it will probably be possible to do 2 (or sometimes at the most 3) in a day. We would like to interview the following groups separately:

(1) female heads of households; (2) male heads of households; (3) women within households; and (4) migrants/"strangers." Another category may be added for youth.

(2) Total number of communities and interviews. We would like to aim for 4-5 group interviews per community, in a total of 6 communities total. Based on the above, in each community we would need to have 4-5 group sessions. We would also like to have individual "1:1" (liberally interpreted) interviews with customary leaders, as well as large-scale investors/commercial farmers (if relevant). This means that we will need to be in each community for 2 days minimum. If each community takes 2 days, then we would have time for 6 communities total (at most, depending on travel times between them; whether we can plan our travel for Sundays, etc.) We also suggest spending at least one day at the Regional capital to meet with government stakeholders and others.

(3) Factors in choosing communities. In choosing the communities, our goal is to reach perhaps 3 communities in 2 districts, but we would really appreciate your help in the selection process (and are open to doing 6 communities in 1 district, 2 communities in 3 districts, etc., depending on what you think). We identified at least 4 key factors to take into consideration in determining which communities would provide the best information on likely LTPR risk factors:

- a) presence of large-scale land acquisition (including at least one or more where a large-scale commercial farm is in fact in operation);
- b) presence of CLS;
- c) proximity to town/urban area; and
- d) presence of family/clan land that might fall outside of the major allodial title holdings/ Dagbon Kingdom.

We would thus like to select a variety of communities where some or all of these factors are present and, in contrast, some communities where they are not. We will also rely on you for ensuring that we cover, to the extent possible, locations with significant variation in land governance/rights customs related to different ethnic groups or sub-groups.

¹ Derived from e-mail communications dated 8 April, 2013. This set of guidelines became the basis for the Risk Assessment Implementation Strategy (8 May, 2013), which in turn became the basis for the detailed assessment itinerary.

(4) Interpreter. One of the things that we will need help with as soon as possible is lining up one or possibly 2 good interpreters, who would presumably travel with us throughout the assessment. They will need to be able to speak local languages/dialects. We would like to have agreements in place with interpreter(s) well in advance of our start date, as their presence will either "make or break" the assessment. Do you have anyone you can recommend?

>

LTPR Risk Assessment Implementation Strategy for Northern Region: 8 May 2013, combined output from Ghanaian Node members and Landesa in preparation for primary research (application of LTPR Risk Assessment)

APPENDIX 4 (2): IN-COUNTRY RESEARCH STRATEGY

Community	Selection Characteristics	Proposed Activities	Estimated Duration	Remarks
<i>Tamale</i>	<p>Capital town of Northern Region, most urbanized community.</p> <p>Location of Gulkpe Na, CLS, Regional Lands Commission, Office of Administrator of Stool Lands with responsibility for CLSs in the Region, Town and Country Planning Office and Metropolitan Assembly, etc.</p> <p>The Dagomba are the dominant ethnic group and family/clan lands are available, but the allodial title is vested in the Overlord, the Ya Naa in the corporate tenure structure.</p>	<p>2-3 of the group interviews,¹ A number of the individual interviews:</p> <ol style="list-style-type: none"> 1. Female household heads 2. Male household heads 3. Women in households 4. Women Associations or groups 5. Migrants/strangers 6. Youth 7. Customary leaders² 8. Large scale farmers 9. Lands Commission officials 10. OASL staff 	2-3 days	Tamale as base camp from where Kpachaa and Savelugu will be covered.

¹ We would like to have 4-5 group interviews in each location, including female household heads, male household heads, women in households, migrants/strangers and possibly youth. For methodological purposes, we would like to retain this format in each of the locations, then add individual interviews (and additional groups) as possible. We're open to discussion, however, if you think it is more important that we reduce the depth in order to cover the geographic range presented in this plan. (For ex., maybe it does make sense to limit our coverage in Kpachaa and Savelugu to 2-3 group interviews, given the fact that we'll also be in Tamale for 2-3 days, in order to have more time to spend in the locations that are further from the capital.)

It is a good idea to cover women associations or groups in addition. Perhaps a short set of questions pertaining to these groups could be added to the questions prepared for the women household heads/ women within household groups, or we could do follow-up 1:1 interviews.

² In organizing to talk to the customary leaders in all the communities, we need to be sure to access female customary leaders also. Also we need to unpack what we mean by customary leaders, considering the nature of customary leadership in the Northern Region. We should be sure to interview the paramountcy as well as the custodians in case the community is not the paramountcy.

LTPR Risk Assessment Implementation Strategy for Northern Region: 8 May 2013, combined output from Ghanaian Node members and Landesa in preparation for primary research (application of LTPR Risk Assessment)

		<ul style="list-style-type: none"> 11. Town and Country Planning 12. Metropolitan Assembly 13. Ministry of Food and Agriculture 		
<i>Kpachaa</i>	<p>Farming community with large scale acquisition of land for jatropha plantation by Solar Harvest Ltd (formerly Biofuel Africa Ltd.)</p> <p>The Dagomba are the major ethnic group. Same corporate tenure structure as in Tamale.</p>	<p>2-3 group interviews as above and :</p> <ul style="list-style-type: none"> 1. Indiv interviews with members who lost land 2. Indiv interview with customary leaders. 	1 day	
<i>Savelugu</i>	<p>Peri-urban location with an office for land title registration and capital of the Savelugu-Nanton district. Selected district for the MiDA land Title Registration exercise in 2011 which was not completed.</p> <p>Has a district assembly and impending expansion of the Tamale Airport to international standard, raising lots of land rights questions. Also commercial mango farming and processing activity on-going in this area. Interview with the company, affected land users and outgrower farmers.</p> <p>The Dagomba are the dominant ethnic group. Same corporate tenure structure as in Tamale.</p>	<p>2-3 group interviews as above and :</p> <ul style="list-style-type: none"> 1. Indiv. interview with land title office 2. Indiv. interviews with people who have or are most likely to lose land for airport expansion. 3. Interview with the Investor/Commercial Farmer 4. Affected farmers in the company's catchment area 5. Outgrower farmers 6. Traditional Leaders 7. District Assembly 	1 day	
<i>Damongo</i>	<p>District capital with a focus on farming activities and the presence of migrants, some of whom were settled there in the 1960s as part of the then government's resettlement scheme</p>	<p>2-3 group interview as above and:</p> <ul style="list-style-type: none"> 1. Female household heads 2. Male household heads 8. Women in households 	2-3 days	Travel to Damongo

LTPR Risk Assessment Implementation Strategy for Northern Region: 8 May 2013, combined output from Ghanaian Node members and Landesa in preparation for primary research (application of LTPR Risk Assessment)

	<p>of people in the Upper East Region where land scarcity was a problem. Has a CLS.</p> <p>The Gonja are the dominant ethnic group. Family/clan lands available, but allodial title vested in the Yagbon Wura, the paramount chief of the Gonja traditional area.</p>	<ol style="list-style-type: none"> 9. Women Associations or groups 10. Migrants/strangers 11. Youth 12. Customary leaders 13. Large scale farmers 14. District Town and Country Planning 15. District Assembly 		
<i>Bole</i>	<p>Fast growing district capital with a CLS.</p> <p>The Gonja are the dominant ethnic group. Same corporate structure as in Damongo.</p>	<p>2-3 group interview as above and:</p> <ol style="list-style-type: none"> 1. Female household heads 2. Male household heads 3. Women in households 4. Women Associations or groups 5. Migrants/strangers 6. Youth 7. Customary leaders 8. Large scale farmers 9. District Town and Country Planning 10. District Assembly 	2-3 days	Travel to Bole and base there to cover Bamboi as well.
<i>Bamboi</i>	<p>Largely community of the Mo ethnicity and own paramountcy and a CLS. There is also a high presence of migrant population as settlor farmers.</p>	<p>2-3 group interview as above and :</p> <ol style="list-style-type: none"> 1. Female household heads 2. Male household heads 3. Women in households 4. Women Associations or groups 5. Migrants/strangers 6. Youth 7. Customary leaders 8. Large scale farmers 9. District Town and Country 	2-3 days	

LTPR Risk Assessment Implementation Strategy for Northern Region: 8 May 2013, combined output from Ghanaian Node members and Landesa in preparation for primary research (application of LTPR Risk Assessment)

		Planning 10. District Assembly		
--	--	-----------------------------------	--	--

APPENDIX 4 (3): IN-COUNTRY RESEARCH STRATEGY

ITINERARY FOR LTPR RISK ASSESSMENT, NORTHERN REGION, GHANA

DATE	TIME	PROPOSED ACTIVITIES		CONTACT PERSON
Monday, 29 th April, 2013	Night	Arrival of Landesa from the US		COLANDEF
Tuesday, 30 th April, 2013	TBD	Finalise approach and other arrangements		COLANDEF
Wed, 1 ST May, 2013	Full day	Travel to the Northern Region (TAMALE)		COLANDEF
		GROUP 1	GROUP 2	
Thursday, 2 nd May, 2013	7:00am	N/A	Travel to Damongo	<ul style="list-style-type: none"> - Mohammed A. Rashad (Gulkpegu CLS Coordinator)-0208293599 - Peter Osei Owusu (PVLMD, LC) 0244633902 - Lermu Mark Mumuni (Damongo CLS Coordinator) 0244992717 - S.Y. INUSAH (Damongo DA) 0208532466/0243185898
	9:00am	LSA (LC, OASL, TCPD), Tamale	Damongo Dist. Assembly (MoFA, Planning, TCPD, Assemblymember, Gender Desk Officer, NGO)	
	1:30pm	Gulkpe Naa (paramount chief of Gulkpegu)	Damongowura (paramount chief of Damongo)	
	3:30pm	N/A	Return to Tamale	
Friday, 3 rd May, 2013	7:00am	N/A	Travel to Damongo	<ul style="list-style-type: none"> - Mohammed A. Rashad (Gulkpegu CLS Coordinator)-0208293599 - Lermu Mark Mumuni (Damongo CLS Coordinator) 0244992717 - Mercy Aluba E. (Damongo) 0245613701 - John Adongo (Damongo) 0205977801
	9:00am	Tamale Metro Assembly (MoFA, Planning, TCPD, Assembly member, Gender Desk Officer)	2 Small Group interviews: Female heads of household and Male heads of Households (Damongo CLS area)	
	1:30pm	Small Group interview: Female heads of household (Gulkpegu CLS area)	Small Group interview: Women in household(Damongo CLS area)	

	3:30pm	N/A	Return to Tamale	
Saturday, 4 th May, 2013	7:00am	N/A	Travel to Damongo	<ul style="list-style-type: none"> - Mohammed A. Rashad (Gulkpegu CLS Coordinator)-0208293599 - Lermu Mark Mumuni (Damongo CLS Coordinator) 0244992717
	9:00am	Small Group interview: Women in household (Gulkpegu CLS area)	Small Group interview: Migrants/Stranegrs/Settlers (Damongo CLS area)	
	1:30pm	Small Group interview: Male heads of household(Gulkpegu CLS area)	Small Group interview: Youth (Damongo CLS area)	
	3:30pm	N/A	Return to Tamale	
Sunday, 5 th May, 2013	9:00am	Team Debriefing		
Monday, 6 th May, 2013	9:00am	Small Group interview session:Youth (Gulkpegu CLS area)	NGOs in Agric, land and Gender:	<ul style="list-style-type: none"> - Akapire Edward (ActionAid) 0262253300 - Prince Imoro Issa (NORSAC) 0372027029 - Asana Toyibu (SIRDAA) 0246163393 - Hajia Safura Yusuf (GIGDEV) 0244944135 - K.D. Micheal (WORLD VISION) 0208252893 - Sisterhood Foundation - Mohammed A. Rashad (CLS Coordinator)- 0208293599
	1:30pm	Small Group interview session: Migrants (Gulkpegu CLS area)	N/A	
Tuesday 7 th May, 2013	7:00am -4:00pm	<p>Both groups will travel to Savelugu and communities within the proposed Int. airport enclave (villages after the airport but before Savelugu) and ITFC area (Gushie, Dipali, Tuunayili & Diari) for the following:</p> <p>5 Small Group interview sessions:</p> <ul style="list-style-type: none"> - Female heads of household - Male heads of household - Women in household - Migrants/Settlers - Youth <p>2 Individual Interview Sessions:</p> <ul style="list-style-type: none"> - Yoo Naa (Chief of Savelugu) 		<ul style="list-style-type: none"> - Hon. Suale (Assembly man, Savelugu) 0266538787 - Takora Saaka (TCPD) 0246962027 - Francis Neindow (Dir, MoFA) - Ofori K. Emmanuel (Savelugu DA) 0243005116

		<ul style="list-style-type: none"> - Commercial farmers (ITFC) Institutional Stakeholders: <ul style="list-style-type: none"> - Savelugu DA - Land Registration officer - TCPD - MoFA 		
Wednesday, 8 th May, 2013	7:00am -4:00pm	Both groups will travel to Kpachaa for the following: 5 Small Group interview sessions: <ul style="list-style-type: none"> - Female heads of household - Male heads of household - Women in household - Migrants/Settlers - Youth 2 Individual Interview Sessions: <ul style="list-style-type: none"> - Chief of Kpachaa - Commercial farmers (Solar Harvest Ltd) 		<ul style="list-style-type: none"> - Mohammed A. Rashad (Gulkpegu CLS Coordinator)-0208293599
Thursday, 9 th May, 2013	7:00am	Groups move to Bole (Group1 will make a stop-over at Bamboi to meet the chief)		<ul style="list-style-type: none"> - Seidu Jeremiah (Bole CLS Coordinator) 0244788767 - Gabriel K. Nsiah Kabatey (North Mo CLS Coordinator) 0203698818 - Nana Kojo Pambo II (Jamahene) 0541284806
	1:00pm	<ul style="list-style-type: none"> - Nana Kweku Dappah II (Paramount Chief of Bamboi) - Nana Kojo Pambo II (Chief of Jama) 	Bole chief's representative	
	3:30pm	Return to Bole	N/A	
Friday, 10 th May, 2013	7:00am	Travel to Bamboi	N/A	<ul style="list-style-type: none"> - Seidu Jeremiah (Bole CLS Coordinator) 0244788767 - Gabriel K. Nsiah Kabatey (North Mo CLS Coordinator) 0203698818 - Mohammed Idduisu (Bole Bamboi DA) 0264126001 - Josephine Kabir (Bole) 0247415083
	9:00am	Small Group interview: Female heads of household (North Mo CLS area)	Bole Dist. Assembly(MoFA, Planning, TCPD, Assemblymember, Gender Desk Officer, NGO)	
	1:30pm	Small Group interview: Male heads of household (North Mo CLS area)	Small Group interview: Female heads of household (Bole CLS area)	
	3:30pm	Return to Bole	N/A	

				- Sofia Mahama (Bole) 0245794819
Saturday, 11 th May, 2013	7:00am	Travel to Bamboi	Small Group Interview Session: Women in Households (Bole CLS area)	- Seidu Jeremiah (Bole CLS Coordinator) 0244788767 - Gabriel K. Nsiah Kabatey (North Mo CLS Coordinator) 0203698818 - Josephine Kabir (Bole) 0247415083 - Sofia Mahama (Bole) 0245794819
	9:00am	Small Group interview: Women in household (North Mo CLS area)	Small Group Interview: Male heads of Households (Bole CLS area)	
	1:30pm	Small Group interview: Migrants/Settlers (North Mo CLS area)	Small Group interview: Migrants/Settlers (Bole CLS area)	
	4:00pm	Return to Bole	N/A	
Sunday, 12 th May, 2013	9:00am	Team debriefing		
Monday, 13 th May, 2013	7:00am	Travel to Bamboi	N/A	- Seidu Jeremiah (Bole CLS Coordinator) 0244788767 - Gabriel K. Nsiah Kabatey (North Mo CLS Coordinator) 0203698818 - Mohammed Idduisu (Bole Bamboi DA) 0264126001 - Josephine Kabir (Bole) 0247415083 - Sofia Mahama (Bole) 0245794819
	9:00am	Small Group interview: Youth(North Mo CLS area)	Small Group interview: Youth (Bole CLS area)	
	1:30pm	Travel to Tamale		
Tuesday, 14 th May, 2013	TBD	Departure to Accra		
Wednesday, 15 th May, 2013	TBD	Team Meeting with other Node members and Ministries		
	TBD	Landesa departs		

NB:

Green background: Lodging in Tamale (Even though Group 2 will work in Damongo from 2nd to 4th May, they will lodge in Tamale if suitable accommodation is not found in Damongo.

Blue Background: Lodging in Bole

Red Background: Lodging in Accra

APPENDIX

5

APPENDIX 6: LTPR Risk Assessment Report



GHANA LAND POLICY ACTION NODE

Policies that work 4 land

Land Tenure Risk Assessment Report for the Northern Region of Ghana

Produced for the AGRA Land Access and Tenure Security Project

December 2013

Jennifer Duncan, Reem Gaafar, & Michael Lufkin



Contents

I.	Introduction.....	2
II.	Methodology	4
III.	Brief Overview of Institutional Framework for Land Governance in the Northern Region.....	6
	a. Customary institutions.....	6
	b. State land sector agencies.....	7
	c. Civil society	8
IV.	Security of Land Rights and Access in the Northern Region.....	9
	a. Acquisition/allocation of land rights	9
	b. Recognition/recordation of land rights.....	18
	c. Security of rights and access to land.....	30
	d. Conflicts, dispute resolution, and enforceability of land rights	35
	e. Decision-making	41
V.	Specific Contexts for Discussion: Compulsory Acquisition and Large-Scale Land Deals	44
	a. Compulsory acquisition	44
	b. Large-scale land investments	50
VI.	Land Governance Institutions: Issues and Relationships	57
	a. CLSs/customary authorities.....	57
	b. Land sector agencies	60
VII.	Conclusion: Seven key issues	62
	APPENDIX 1: Snapshots	69
	APPENDIX 2: Example Allocation Letter.....	74
	APPENDIX 3: List of Interviews.....	75
	APPENDIX 4: Northern Region CLS Practices	78
	APPENDIX 5: Recommendations.....	80

I. Introduction

Land has historically been abundant and fertile in the Northern Region, and smallholder farmers have not generally had trouble accessing the land they need to farm. The region is divided among kingdoms or “skins,”¹ and nearly all land is considered to be owned by the chiefs within the skin hierarchies.² According to Ghana’s Constitution and historical customary understanding, chiefs in the Northern Region have held the land in trust for their people.³ They have thus allocated usufructuary rights to those who can demonstrate that they are capable of farming it, whether indigene or stranger. Land boundaries have been informally marked, land use rights have not been recorded, and disputes between farmers have been relatively few. Where women have needed land to farm, and have been capable of farming it, they have generally had access to it through their male relatives.

In some parts of the Northern Region, where land remains fertile and abundant, the customary system of land governance seems to be working fairly well to provide people with secure access to land (with several important caveats involving women, as discussed below).

However in other areas of the region, competing demands on the land are quickly growing, and soil fertility is declining. Peri-urban growth, large-scale commercial farming, and infrastructural development (such as the Bui Dam), compounded by diminished soil fertility due to overuse and changing climatic conditions, have sharply constricted the amount of land available to smallholder farmers. Of these factors, the most notable threat to security of land rights and access for smallholders appears to be peri-urban development. In the fringe areas of fast-growing Tamale as well as smaller cities such as Damongo and Bole, residential growth is pushing farmland farther and farther toward the edge of communities, and sometimes completely out of the communities’ traditional areas.

In the face of rising demands for land, as well as decreased soil fertility, customary systems that have secured and protected smallholder farmers’ usufructuary rights are breaking down—and in some places fast. Chiefs are selling farm plots to developers as a matter of course, without providing any notice or compensation to the smallholders who currently occupy and use the land. People tolerate this because of their belief that only the allodial title holder can be considered the “owner” of the land, making the chief the only land owner, free to allocate the land however he chooses. There is also little resistance to this practice because historically it has been fairly simple to find replacement land to farm. Due to shifting patterns of cultivation, finding new land was well within the norm of standard agricultural practice and not seen as an undue burden. However, rapid residential growth in peri-urban areas has created a situation where displaced farmers can no longer find new land to farm within their community; available land simply does not exist.

¹ The constitutional definition of stool land includes skin land which is the popular term in the Northern Region.

² Legally the allodial title to the land vests with the customary authorities, specifically with the highest customary authority (or overlord) within each skin.

³ The traditional understanding of the role of the chief in land management is enshrined in the Ghanaian Constitution, which states that, “[a]ll stool lands in Ghana shall vest in the appropriate stool on behalf of, and in trust for the subjects of the stool in accordance with customary law and usage.” (Art. 267(1)).

Thus, the implications of insecure tenure and displacement are becoming more severe, while at the same time the practice of displacing people becomes more commonplace. These trends are particularly harmful for vulnerable groups, such as women, migrant farmers, and those living in peri-urban areas.

The purpose of this study was to assess the land tenure and property rights (LTPR) risks for smallholder farmers in Ghana's Northern Region. The authors will begin with a brief summary of the institutional framework for land governance in the Northern Region (Section III), followed by a discussion of four key themes that, taken as a whole, provide a fuller understanding of land tenure and property rights security in the region (Section IV). These themes include: allocation/acquisition of land rights; recognition of land rights through recording or registration; disputes, dispute resolution, and enforceability of land rights; and decision-making authority for land governance. The authors will then highlight land tenure and property rights risks in the Northern Region in two specific thematic areas: compulsory acquisition and large-scale land acquisitions (Section V). Next the authors will discuss issues related to land rights governance institutions (Section VI), before offering a conclusion in the final section (Section VII). Recommendations are included throughout and are also compiled as a whole in Appendix 5.

Agricultural production in the Northern Region

Primary crops in the communities visited include maize; millet; rice; cassava; yams; ground nuts; and tree crops, including mangos and cashew nuts. Shea nut trees are native to the area and provide an important source of income, especially for women, but cannot be successfully transplanted or grown from nursery starts.

People farm very independently in most communities, tending to their land, storing their produce and selling it as individual households (or sub-households where polygamy is the norm) rather than working collectively. Households, and often individuals within them, farm their "own" land, which has in almost every case been allocated by the chief for use. Farm plots are most frequently 1-10 kilometers from the homes.

Where land is abundant, people continue to use traditional shifting cultivation techniques, clearing virgin land for new production every 1-3 years, depending on the crop. In other cases people have begun to move from shifting to rotating cultivation, and in some places near the urban fringe, people have begun to use stationary farming practices. Farm sizes in the communities visited typically range from one to nine acres, with most under five acres; a few between 10 and 20 acres; and a very few above 20 acres.

Residents in the communities visited by the team often keep goats, sheep, and poultry near their homes, generally un-fenced. For this reason, garden or "backyard" plots are not common, as they would be destroyed by the animals.

II. Methodology

The primary purposes of the field research were to assess LTPR risks in the Northern Region, in order to inform a three-year policy engagement strategy of the Ghana Land Policy Action Node, and to test a research tool for LTPR risk assessment that could be used for future applications in the Northern Region and/or in other regions of the country.

The assessment involved the following seven components:

(1) **Desk research report.** The first step in the assessment was a desk research report on land governance and LTPR risks in the Northern Region and the country as a whole, written by Landesa with input from Ghana Land Policy Action Node (henceforth “Node” or L-PAN) members earlier in 2013.

(2) **Outline of key issues and indicators.** The desk research report formed the basis for an outline of key issues and indicators that provided a framework for analyzing the findings of the in-country risk assessment.

(3) **In-country questionnaire guidelines.** Using the outline and in consultation with Node members, the team drafted questionnaire guidelines for semi-structured individual and small group interviews in the Northern Region. These were tailored specifically for various stakeholders, including customary officials, land sector agencies, non-governmental organizations (NGOs), and community members (including separate questionnaires for male smallholder farmers (head of households), youth farmers, women heads of households, women living within male-headed households, and “stranger” farmers).⁴ These questionnaire guidelines were intended as preparatory agents for the semi-structured interviews, rather than as an interview tool to be followed verbatim in each case.

(4) **In-country research strategy.** The Community Land and Development Foundation (COLANDEF), Kwame Nkrumah University of Science and Technology (KNUST), and Landesa worked together to develop a two-week research strategy to apply the LTPR assessment in the Northern Region. This included a preparatory visit to the region by COLANDEF staff to request audiences with key stakeholders and to work with Customary Land Secretariat (CLS) coordinators and others to organize meetings and interviews for the risk assessment.

(5) **Applied LTPR risk assessment in the Northern Region.** See a summary of the in-country risk assessment, below.

(6) **Written report.** This written report is provided as a mechanism for analyzing and communicating the key findings of the research.

(7) **LTPR Risk Snapshots.** The Snapshots convey a quick visual picture of LTPR risks in the Northern Region as identified in the research. They contain color-coded indicator boxes based on the outline of

⁴ “Stranger” is the term used in Northern Region to indicate migrants to a community, whether permanent settlers or seasonal workers. In this report we will refer to all in this group as “strangers,” per the regional custom.

key issues and indicators developed in step (2) and adjusted per the findings. The Snapshots are provided as Appendix 1 to this report and also as a standalone document.

The risk assessment team consisted of three lawyers from Landesa (Jennifer Duncan, Michael Lufkin, and Reem Gaafar), Dr. John Bugri from KNUST, and Ernest Eshun and Prince Young Aboagye from COLANDEF. Mrs. Nana Ama Yirrah from COLANDEF also participated in the assessment for the first four days. The team visited six communities in four CLS areas in the Northern Region between May 2, 2013 and May 15, 2013. Communities were selected with an eye to exploring a variety of constraints and challenges to land tenure security in the Region. Factors considered in community selection included the level of urbanization; dispossessions related to large-scale land acquisition; existence of issues related to compulsory land acquisition; availability of farmland in the area; size of local migrant population; and existence of conflict with pastoralists, specifically Fulani herdsmen. A detailed list of interviews and participants is included as Appendix 3 to this report and summarized below.

- **Gulkpegu**: In the Gulkpegu CLS area, which covers much of Tamale and the surrounding areas, the team visited three communities, beginning with those closest to the city center and then moving to more peri-urban communities. Interviews were conducted over a week-long period between May 2 and May 7. Group interviews were conducted in Kotinli, Gulkpetua, and Kpachaa. The team also interviewed customary leaders, as well as officials from land sector agencies and the Tamale Metro Assembly.
- **Gushie**: Gushie is located in Savelugu-Nanton district and is approximately 25km north of Tamale. The team interviewed the paramount chief and a local registration officer and conducted five separate group interviews in Gushie on May 6.
- **Damongo**: Damongo is a growing town and the capital of the West Gonja district. It is located approximately 125km west of Tamale. The team conducted group interviews in Damongo on May 8 and 9. The team also interviewed the Damongo paramount chief, CLS coordinator, and several officials from the Damongo District Assembly.
- **Bole**: Bole is a small town located near Ghana's western border. Interviews in Bole were held between May 11 and May 13 and included group interviews with local smallholders as well as officials from the Bole District Assembly, the paramount chief, and the CLS deputy coordinator.
- **Bamboi**: The village of Bamboi is approximately 100km south of Bole, but is within a different CLS area. The team held interviews in Bamboi between May 11 and May 13.
- **Others**: The team also conducted interviews with key informants and stakeholders outside of the targeted communities. These included meetings with local farmers' associations and NGO's working in the Northern region, as well as people affected by a planned airport expansion.

At least two team members were present at each of the interviews. Team members hand-recorded findings from the semi-structured interviews, analyzed and cross-checked findings during daily team meetings, and typed up all notes so that a written record was maintained. The team hired and worked with local interpreters in each location.

Risks and qualifying factors: Although the team did its utmost to maintain a high standard of research integrity throughout, the findings are subject to several caveats:

(1) It was not possible to maintain sharp boundaries within farmers groups among certain divisions and “types.” In many meetings, for example, younger farmers may have felt constrained from speaking by the presence of older community members or by relatives or close friends of the chief.

(2) Similarly, in meetings that combined representatives of several different land sector agencies, it is possible that some interviewees felt inhibited by the presence of people perceived as superiors.

(3) Interpretation was challenging in some cases, and the team had few ways to cross-check the interpretation accuracy at interviews outside of the Dagbon area. (Within the Dagbon area, Dr. John Bugri was able to assist with interpretation in some instances and to cross-check accuracy.)

(4) The findings should be considered in light of the limited scope and depth of the assessment. The team only visited six communities, representing a fraction of the Northern Region’s total area, and spent only two to three days in each of these communities. Although the issues raised may be largely indicative of the region as a whole, further research would be needed to reach any definitive conclusions within the study area, not to mention the areas of the Northern Region outside of the study area.

(5) The team was only able to locate two communities affected by large-scale commercial farming endeavors, and so was able to compile limited information on the subject of large-scale acquisitions of land.

(6) The color-coding on the Snapshots is a necessarily subjective exercise, based on both individual and collective interpretations of the findings. The Landesa team did an initial scoring; drawing on its comparative experience with LTPR risk identification in a wide variety of other countries and socio-economic contexts, then incorporated (critical) input from COLANDEF team members and Dr. Bugri.

III. Brief Overview of Institutional Framework for Land Governance in the Northern Region

a. Customary institutions

i. Chiefs: Local, paramount, overlord

Chiefs in the Northern Region are viewed as the land owners. They have nearly complete authority over allocation and revocation of rights to farmers.⁵ Each kingdom has its own hierarchy of chiefs. Dominant kingdoms in the Northern Region include the Gonja, Dagbon, Mamprugu, and Nanum. The team

⁵ Exceptions include: (1) family land enclave (Choribang) in Bole, where family heads have significant authority vis-à-vis the chiefs in allocating and revoking land rights; and (2) Lands Commission may review lease transactions of stool land with negative implications for the livelihoods of community members.

interviewed people primarily within communities in the Gonja and Dagbon skins. At the bottom of the hierarchy are the sub-chiefs, who each manage a specific area of land and who report up to the division chiefs, who in turn report to the paramount chiefs, who finally report up to the overlord. The overlord is considered the ultimate owner of all land within the skin, and allodial title to land in the skin vests in the overlord. However, management authority and responsibility for the land is shared among chiefs at each rung of the hierarchy.

ii. Tendanas

Tendanas, or earth priests, are traditional spiritual authorities within the Northern Region. In the communities visited, they are not actively involved in land governance but rather perform important rituals for soil fertility, rains, and good harvests.

iii. Customary Land Secretariats

Customary Land Secretariats were created to serve a land administration function for the customary authorities and are established under the paramount chiefs. They serve, in large part, as institutional bridges between the customary authorities and the land sector agencies and were promoted under the Land Administration Project (LAP) I and II. One of their most important objectives is to establish systems for recording land rights at the customary level. Four CLSs operate in the Northern Region, in Tamale (Gulkpegu), Damongo, Bole, and Bamboi. The Office of the Administrator of Stool Lands (OASL) has an oversight authority over the CLSs and plans are underway for the establishment of new ones in the Northern Region.

b. State land sector agencies

i. Lands Commission (LC)

The 2008 Lands Commission Act merged formerly separate land administration agencies into the Lands Commission, which now houses four divisions: the Land Registration Division; the Public and Vested Lands Management Division; the Survey and Mapping Division; and the Land Valuation Division. For purposes of this report, the two most important functions of the Lands Commission are the management of public lands (including the compulsory acquisition process), and the registration of leases for stool land.

ii. Office of the Administrator of Stool Lands

The Office of the Administrator of Stool Lands Act of 1994 provides that the OASL will hold certain management responsibilities—mostly financial—for skin land on behalf of the customary owners. The OASL has also been given a support/oversight function for the CLSs. The Stool Lands Administrator is tasked with the establishment of a lands account for each skin, as well as the collection and disbursement of rents, dues, royalties, and other revenues from the skin land. Ten percent of the collected revenue goes to the Office of the Administrator to cover administrative expenses. The remainder is distributed as follows:

- 25% to the stool through the traditional authorities for the maintenance of stool land;
- 20% to the traditional authorities; and
- 55% to the District Authority with authority over the area in which the stool land is located.

The OASL has a regional office in Tamale in the Northern Region. For further information on the role of the OASL, see Gaafar et al., *Background Research Report on Land Tenure Security in Northern Ghana*, produced for the AGRA Land Access and Tenure Security Project (April 2013).

iii. Metropolitan and district assemblies and the Town and Country Planning Department (TCPD)

The Metropolitan and District Assemblies are the primary decentralized land management agencies. They hold management and planning authority over lands within their jurisdiction and are responsible for creating comprehensive plans, land use schemes, and base maps (detailing physical features). They work closely with the customary authorities and also with TCPD (which reports to Assembly) on the technical aspects of these goals. They also hold the authority to regulate land use and coordinate the formation and work of the Statutory Land Management Committee (the regulatory body of the Assembly for land governance), which includes representatives of the Lands Commission, TCPD, utility departments, Environmental Protection Agency, customary authority (usually in the form of the CLS director), as well as surveyors. The Committee's role is to recommend to the Assembly whether applications for utilities, infrastructure, development, etc. should be approved.

TCPD serves a central role in land use planning for urban and peri-urban areas in the Northern Region. The Department's decentralized offices are housed under the district assemblies and carry out the assemblies' planning functions. TCPD is housed under the Ministry of Environment, Science, and Technology at the national level.

iv. Ministry of Food and Agriculture (MoFA)

MoFA is not directly involved in land governance. However, it does provide extension services and coordinates a block farming program in the Northern Region, whereby farmers receive subsidized, in-kind credit in the form of seasonal inputs at the beginning of the farming season in exchange for a certain amount of their harvest.

c. Civil society

i. NGOs

No NGO in the Northern Region, other than COLANDEF, appears to be working on land issues exclusively. However, several are working on land-based issues as part of a wider portfolio. These include Grameen, Urban Net, Canadian Feed the Children, ActionAid, and World Vision. In most cases, NGOs do not appear to have been deeply engaged in land rights issues. (An exception to this is Urban Net which has identified land tenure security as a key factor in building capacity of smallholder farmers.)

ii. Associations

The team encountered a number of farmers associations and savings and loans groups in the communities visited. Their activities appear to be limited in most cases to small-scale economic activity: processing crops like rice for sale, buying up land in small amounts for joint production to feed the processing activities, and/or providing savings and loan services to members at a very micro level.

IV. Security of Land Rights and Access in the Northern Region

a. Acquisition/allocation of land rights

i. Overview, processes, and key issues

Allocation by the chief

In the communities visited, allodial title to the land vests in the skin, as represented by the chiefs. The overlord is considered to be the ultimate land owner, although he may not get directly involved in the acquisition and disposal of the land. These are usually handled by the heads of the various paramountcies with the assistance from the local chiefs. The overlord gets involved in endorsing leases in cases where leasehold agreements are prepared or in resolving major conflicts. The skin lands are divided into the jurisdiction of the paramount chiefs, who in turn divide their land into jurisdiction of multiple division chiefs. In most cases, divisional chiefs divide their land into the jurisdiction of multiple sub-chiefs. Informal allocations of land are generally made by the lowest level of chief in the hierarchy (sub-chiefs or divisional chiefs). In some cases, people reported that the sub-chief or division chief would have to seek approval from a higher level of chief to allocate land, or at least would have to inform the higher chief. For example, in Damongo a sub-chief must seek approval from the paramount chief before allocating more than 100 acres to any one farmer. A paramount chief must seek approval from the overlord before allocating more than 1,000 acres (Damongo paramount chief).

Historically, indigene farmers have provided a token payment to the chief for allocation of farmland rights. Within the Gonja Kingdom (Bamboi, Bole) this is called “drink money” and is described as, “Schnapps and a little something more.” Within the Dagbon Kingdom (Tamale, Savelugu, Damongo) this is called “kola” and is represented by kola seeds and a monetary payment. These token payments have not historically been fixed but are rather often described as, “whatever the person can afford.” In most cases the chief would need to approve any new use of land for farming, but in a few cases, smallholders said that they would not need to seek the chief’s approval (e.g., if the amount of land was very small). It is more likely for the chief to be involved if the farmer is stranger. In Bamboi, it appeared that indigenes could begin clearing and farming new land without express permission from the chief. And in Gushie, smallholders said that families held authority over some areas of land, and that they could allocate it to other indigene users as they so choose without informing the chief. The variations in land practices

coupled with a lack of clarity around individual user rights seem to have contributed to the growing power of traditional authorities over land in the Northern Region.

When a migrant seeks land, he or she must find an elder in the community, who will help the farmer to approach the chief. The migrant will pay kola/drink money to the elder and to the chief. He or she will also be expected to pay a “tribute” at the harvest season, which is a flexible in-kind amount dependent on a number of variables, such as what the farmer can afford to pay, what the production capacity of the land is, and especially, how good the harvest is. The team heard of tribute amounts ranging from one-tenth to one-fifth of the amount harvested. Tributes may also be expected at certain festivals during the year. These might be instead of or in addition to those tributes presented at the harvest. In some communities indigenes are also expected to pay a tribute amount to the chief at harvest time or during festivals, though a tribute of any significant amount appears to be the exception rather than the norm.

Nature of land rights allocated

Smallholders in the communities visited by the team generally do not “own” farmland in the traditional sense. Instead, they hold a number of lesser rights and interests, primary among which is the right to use land. The extent of this right varies among customary communities, but the right to farm was consistently present, seemingly without constraints.⁶ Buying and selling land was a taboo in these communities and across the Northern Region. Community members are able to lend or borrow land, although in some communities doing so required the permission of the chief. Inheritance practices and rights varied across communities; although many interviewees stated that there was no inheritance of land in their community, it became apparent that children could often inherit their parents’ farmland provided they continued to use the land. Inheritance did not exist in the sense of a permanent right that persists even if the inheritor leaves the land.

Land rights of subjects within a skin are limited to usufructuary rights, as only the chiefs hold allodial title to the land. During the assessment, it became clear to the team that community residents perceive their chiefs to hold almost supreme authority over farmland, including the power to either allocate or revoke rights and access at will, especially if a better or more lucrative use of the land, such as residential development, is perceived to be in the interest of the chief. As one farmer said in Gushie, “The chief is the owner of the land and everything on it, including humans.” It is not clear, however, if this perception has always been so, or whether at some point in time people perceived their chiefs to hold land in trust for the subjects, which would imply some limit to the chiefs’ ability to exercise his authority over land in a self-serving or arbitrary fashion. As noted above, constraints on allocation of farmland by the chiefs were historically few: In the abundance of productive land, almost all who were capable of farming land could acquire it. So it is possible that the question of whether the chief holds rights to land in trust for his subjects in the face of competing demands (and what this really means in terms of restraint on the chief’s authority) has not been tested until now.

⁶ In some communities, the planting of tree crops requires the consent of the chief as it creates an ownership interest in the land for the planter. This practice did not exist in the communities visited, and it appeared that land users were free to plant whatever they desired.

Choribang: Family land enclave in Bole

In one seemingly unique situation in the communities visited by the team, a section of Bole called Choribang was considered to be a family lands enclave, and within this area the paramount chief appeared to have almost no authority⁷. Land was governed through four major family heads, who held authority over the land within their respective jurisdiction. They operated autonomously from the paramountcy, allocating land rights and governing land issues within the hierarchical structure of the four ruling families.

Because this situation in Choribang appeared to be an outlier in terms of land governance in the areas visited by the team, the authors will refer to it only within specific parameters in the report, but will more generally refer only to the dominant chieftaincy system seen in all other areas visited and noted in other literature as the primary system for land governance in the Northern Region. (See Background Report.)

Definition and demarcation of allocated farmland varied between communities visited, depending on whether people were practicing shifting cultivation, rotating cultivation, or stationary cultivation. If the practice was shifting cultivation, one of the chief's elders would simply show the farmer the general large area to clear and cultivate, not just in the first year but into the foreseeable future. Boundaries are generally marked by bending trees or bushes and/or by tractor marks.

Acquisition through inheritance

Whether usufructuary rights can be acquired through inheritance was not entirely clear. However, in most communities visited, those interviewed said that land could be (and was) inherited, though inheritance would depend on continuous use of the land. In other words, a son could not move to Accra for five years after the death of his father and come back to reclaim rights to the land his father had been allocated. If a son, or in some cases a daughter, continued to farm the land after the death of the father, however, the rights would remain with the family. It did not seem that a chief would need to be notified in most instances. In Gushie, however, one group of male farmers said that the idea of choosing certain family members as beneficiaries through inheritance was divisive, as any family members who wanted to farm should be able to do so.

Acquisition through sale or lease by other community members

Sub-leasing of farmland does not appear to be widely practiced (or at least widely reported) and is rather discouraged in the communities visited, outside of the Choribang family lands area. In Gushie, for example, members of one group of male farmers said that families cannot and do not "lease" out their lands; although they may allocate use rights to others, all rights return to the family upon death of the user. It is sometimes the case that a farmer will acquire a large tract of land from the traditional

⁷ During the validation workshop held in Tamale (Oct. 2013), the Bole CLS coordinator explained that while the local Choribang chiefs have the authority to allocate land rights to community members, they have no authority to give out leaseholds. According to the coordinator, rights allocated by the local chiefs cannot be documented without the authorization of the Bole paramount chief.

authorities and allow other farmers who settle in the area, sometimes family members, to use some part of that land, however, this was not referred to as “leasing” by the community members interviewed.

Sub-leasing is permissible under formal Lands Commission leases, although the group did not encounter this practice during the assessment.

Allocation and acquisition of residential land

Allocation and acquisition of residential land differed slightly from that of farmland in the communities visited. For residential land, the traditional practice has been for a new indigene household that has outgrown the family compound or a migrant/settler household to request land for housing from the chief. In the absence of competing demands for residential land, the chief would typically grant such requests, so long as the farmer paid a token “kola.” Housing and rights to the land under it are considered inheritable under customary law, so new homes built within the family compound do not need to be approved by the chief.

Nature of rights to housing plots

Allodial title to all land within a skin, including housing plots, vests with the overlord. However, rights to housing plots are allocated to indigenous families and in some cases settlers within the customary system for perpetual use, and are considered to be quite secure according to traditional norms and practices. Although customary practices (and the Constitution) prohibit the sale of skin land, including housing plots, confusion about this has grown as payments for land rights have spiked. “Kola” for land now basically represents the market value of the land, and some within the state land sector agencies reported that people are increasingly considering the transaction as an outright sale, rather than a long-term lease. There is a high level of misinformation and misunderstanding among the public of the land governance systems and the nature of rights they guarantee, which is evident when comparing perceived rights over farmland and housing plots.

Housing rights are inheritable and can be leased out and even sold to others in most circumstances. Although most smallholder farmers appear to live in their own homes or those of their parents, the team encountered one migrant/settler farmer in Bole who was leasing a house from an elderly woman and her daughter (who had moved to the city). It is not clear whether rights to houses and house plots could be sold (or leased out in perpetuity) if the homeowner decided to permanently vacate his or her home.

In areas of fast growing demand for land, however, chiefs are now requesting higher “kola” for rights to housing plots: up to 2,000 Ghanaian cedis (GHC) for a one-quarter acre plot in areas near Tamale, according to the Gulkpegu CLS director.⁸ This is in addition to the amount required for surveying and recording the rights to this plot with the CLS (350 GHC in Gulkpegu). Thus, new housing plots in peri-urban communities appear to be too expensive for most smallholder farmers, including those whose families that have lived within the traditional village for generations. People with more money, for

⁸ The team did not collect information on “kola” or “drink money” prices for land outside of Tamale.

example those working in professional occupations in the cities, are able to purchase rights to residential plots and build new homes in and near the city. Interviews with TCPD and CLS officials revealed that the process often involves chiefs converting the zoning of farmland to residential plots, evicting current occupants, and then allocating the plots to prospective buyers. Double allocation of these plots appeared to be a common occurrence, especially in peri-urban areas, as residents often fail to record their rights with the CLS. See the discussion below under *Recognition/recordation of land rights* for information on how land rights transactions are recorded or registered.

Acquisition of public lands

Particular allocation/acquisition issues apply to public lands. The government may acquire land from the customary authorities through compulsory acquisition. Also, smallholders sometimes move onto and occupy public lands and may eventually receive recognition of their rights to that land. For example, the government eventually ceded rights to a portion of the land pertaining to a public cemetery in Tamale to residents who had occupied the land over time. In cases where informal settlers occupy public land, the chiefs often have some role in “allocating” this land to the residents, although it is technically public land. Whether the right of adverse possession, as established in the Limitation Act, would apply to illicit occupants of public land in Ghana is not clear, although a recent case indicates that adverse possession may apply to public lands, provided it is uninterrupted.⁹ The 12-year statute of limitations for recovery of land, established by Section 10 of the Limitation Act, is not explicitly limited to private land. If adverse possession is in fact possible on public land, then it could possibly be utilized as a legal basis for formalizing these occupants’ rights to the land. Please see the section on compulsory acquisition, below, for further discussion on compulsory acquisition and encroachment on public lands.

Legal framework for adverse possession in Ghana

Limitations Act, Section 10 — Recovery of Land

(1) No action shall be brought to recover any land after the expiration of twelve years from the date on which the right of action accrued to the person bringing it or, if it first accrued to some person through whom he claims, to that person.

(2) No right of action to recover land shall be deemed to accrue unless the land is in the possession of some person in whose favour the period of limitation can run (in this section referred to as "adverse possession").

(3) Where a right of action to recover land has accrued, and thereafter, before the right of action is barred, the land ceases to be in adverse possession, the right of action shall no longer be deemed to accrue until the land is again taken into adverse possession.

⁹ The Lands Commission recently won an appeal in a case revolving around family lands in Accra that were compulsorily acquired for airport expansion but were not utilized. The original owners took over on the basis adverse possession, and the court of first instance ruled in their favor. However, on appeal, it came to light that possession was interrupted, and thus, the appeal court reversed the decision of the earlier court. However, the case demonstrates that adverse possession may potentially be used as a basis for ownership, even on public land. (Bugri, John Tiah. Personal communication, 12 October 2013).

(4) For the purposes of this Decree, no person shall be deemed to have been in possession of any land by reason only of having made a formal entry thereon.

(5) For the purposes of this Decree, no continual or other claim upon or near any land shall preserve any right of action to recover the land.

(6) On the expiration of the period fixed by this Decree for any person to bring an action to recover land, the title of that person to the land shall be extinguished.

LIMITATION ACT, 1972 (NRCD 54), Section 10.

ii. Effects on smallholder groups

This section identifies issues specific to various smallholder groups with respect to acquisition and allocation of land rights.

Men: Heads of household/youth

Men in the communities visited acquired land either directly from the chief or other landholder or through their families. Although inheritance of farmland does not exist in the communities visited, men are able to maintain access to their fathers' land by continuous use after the father's passing. Accordingly, land is only "inherited" by a child who wishes to farm. Where multiple children want to farm the land, the farmland will often be subdivided if possible, but when subdivision would lead to plots of insufficient size for farming, the land will be inherited by one son while the others will seek alternative land to farm. There was no consensus as to which son would be able to stay on the father's land, but many interviewees reported that the eldest son would stay while younger brothers would request new land from the chief. In Gushie, one reason given for this arrangement was the need to clear new land; it was assumed that younger men were stronger than their older brothers and would have an easier time clearing new land than older men.

As the population grows, land loses fertility and demand for land increases, inherited land is becoming insufficient to support smallholders' needs, leading many men to request additional land from chiefs. Indigenes are usually able to acquire land by identifying a vacant plot and requesting it from the chief. Payment for use of the land varied by community. In Gushie and Kpachaa, men reported that they would have to present a "kola" payment to the chief. In contrast, in Bamboi no payment is required for the use of vacant land, while in Bole, farmers reported having to pay some portion of the harvest to the family head for borrowed land and no need to pay for the use of family land. In Damongo, there was disagreement about the need for payment – some interviewees claimed the chief must be presented with "kola" for farmland (youth) while others stated that no payment was necessary (female heads of household), and still others claimed the chief would have to be paid with a portion of the harvest (male heads of household). Where a "kola" payment was required, the amount needed was rarely defined. Interviewees reported that a person requesting land would have to determine the appropriate amount

to offer; it was apparent that the amount varied by community and was often related to the demand for land in that area.

Women: Heads of household/within household

Women generally gain access to land through men, including fathers, husbands, brothers, uncles, and sometimes sons. While women in some communities claimed they could go directly to the chief to request new land if they so desired, in most communities this was not the case, and even where it was, the majority of women interviewed had not personally requested their land from the chief, instead sending a male relative to request land on their behalf.

As discussed above, the communities visited practice a form of shifting cultivation that could be described as crop rotation with long fallow periods. Women often farm land that has previously been used by their husbands (or other men) because new land must be cleared, a labor- and time-intensive task the women, according to many of those interviewed, do not have the strength to perform. In addition, because the women hold more responsibilities within the household than their husbands, they generally do not have sufficient time to clear land. In one community (Kpachaa), the women reported that it could take up to a month of work to clear an acre of land. Hired labor could be used to clear the land, but the women interviewed rarely have enough money to pay for the labor. In peri-urban areas around Tamale, the team found that women often farm land that is as far or farther from their homes as their husbands, despite having fewer transportation options available to them. While many of the men interviewed had access to motorbikes to get them to and from their farms, women across the communities reported that they must either walk to their farms or pay for transport, eating into their already slim farming profits. In Kotinli, the women interviewed farmed in a community 12 miles away from their homes and paid 2 GHC each way for rides to and from the farms on motorbikes. As the roundtrip expense of 4 GHC per day would quickly exhaust their resources, many women stay on their farms during the farming season and sleep under mosquito nets, visiting their children, who are cared for by the older women in the community, for about one week every other month during the farming season.

While it is true that unmarried daughters sometimes inherit land along with their brothers, most women will abandon that land when they are married, as they are then expected to farm on their husband's land or on land their husband acquires for them. Practices differ across communities, but daughters are generally entitled to return to their natal home and receive some amount of land to farm in the event of widowhood or divorce. However, the right to receive land to farm upon return is threatened by the increasing scarcity of land in peri-urban areas.

Strangers

Strangers who desire land in a particular community will, in most cases, go to the chief with a token gift to request vacant land. Although interviewees, including chiefs, claimed there was no set price which must be paid, it became clear that the acceptable amount was known to many, varied by community, and generally represented the market price. Once the "kola" is accepted, the chief will send the stranger out with an elder to identify a suitable vacant plot. In some communities, the stranger first identifies the

parcel in which he is interested and shows it to the elders, who must confirm that it is vacant, while in others the chief and elders simply assign the stranger a vacant plot on which to farm. Strangers are expected to pay part of their harvest to the chief or family head as tribute at the end of the farming season in all of the communities visited by the team.

Strangers sometimes acquire land directly from the land user or the appropriate family head. In Choribang, strangers request permission to farm from the family or section head. In exchange for the land, they usually agree to pay some portion of their harvest to the family. The exact amount is left to the stranger's discretion, but it seemed that the amount could affect whether the stranger would be able to continue to have access to that land in subsequent seasons. Similarly, when strangers borrow directly from land users, they will rarely be expected to pay a token up front, but will almost always be asked to give some portion of their harvest to the land user from whom they borrowed the land.

Peri-urban smallholders

Peri-urban smallholders face serious challenges in acquiring land. As Tamale and other urban areas in the Northern Region grow, so does competition for land. In the peri-urban communities visited by the team, interviewees frequently reported that there was no vacant land left in their communities. The only way to acquire land for farming was to go to a different community, often miles away, and request land from that chief as a stranger. In Kotinli, a community on the outskirts of Tamale, the chief has sold out most of the community's farmland to residential settlers. Plots in Kotinli were reportedly sold for as high as 2,000-3,000 GHC per plot. As mentioned above, interviewees in Kotinli reported having to travel up to 12 miles to access farmland in a different community; this appeared to be the case for the majority of the community, as few had been able to retain their farmland. In Gulkpetua, slightly further out of Tamale than Kotinli, the situation was not quite as dire but the majority of community members reported that they had to farm in other areas due to scarcity of land within the community. In addition, peri-urban residents reported that even indigenes pay tribute to the chief; refusing to do so can result in the loss of farmland. This contrasted starkly with practices in the communities farther from urban centers, where only strangers were required to pay for the use of land with a portion of their harvest.

iii. Recommendations¹⁰

Policy, law, and regulations

Formal system

- Adopt a land use planning law that establishes a system for participatory land use planning (going beyond land schemes as currently utilized to a more comprehensive developmental planning approach) at the national, regional, and district levels. See the text box on land use planning, below. (*Parliament; LC; TCPD*)

¹⁰ To the extent possible, each recommendation in this report has been tied to specific bodies and agencies for implementation, noted in a parenthetical following the recommendation. These are suggestions based on the authors' understanding of the roles and responsibilities of Ghana's land sector agencies (discussed in Section III).

- Adopt the draft law on spousal property rights, including a clear legislative framework for joint spousal rights to community property/land. (*Parliament; Ministry of Gender, Children, and Social Protection (MGCSP, formerly the Ministry of Women and Children's Affairs)*)
- To the extent possible, implement existing legislation in a way that builds on existing customary practices that support women's rights to land. (*MGCSP; LC; OASL; TCPD*)
- Clarify current legislative and common law rights to adverse possession/prescription in the Land Bill. (*Parliament; LC*)

Customary system

- Begin discussions within houses of chiefs and other forums for customary leaders on the subject of women's access to land, including allocation of land rights to women, allocation of land jointly to spouses, women's ability to approach the chief directly to request this, and inheritance for widows and girls. (*MGCSP; CLS*)

Institutional improvements

Formal system

- Bolster the resources and capacity of district assemblies, TCPD, and other land sector agencies to develop and enforce land use planning at the national, regional, and district levels. Engage the customary authorities in these efforts as well. Encourage a participatory approach (including adequate representation by smallholder farmers and especially by women) in creating a vision for land use in the Northern Region and also in each district. Increased capacity for land use planning would help to ensure that land allocations within the customary system accommodate for multiple uses. (*LC; TCPD*)
- Improve access of smallholder farmers and women to all land use planning processes. (*TCPD; LC*)
- Consider alternative financing mechanisms for land use schemes, to improve likelihood that land use planning will precede development. Mechanisms that allow for a delayed payment, or payments over a period of time, of scheme costs should be developed if financially feasible. (*TCPD*)
- Consider formation of a national gender task force on land, reporting to the Lands Commission. (See example in Liberia.) (*MGCSP and LC*)

Customary system, with focus on CLSs

- Increase CLS/chiefs' awareness about land use planning, and support engagement in land use planning processes. (*LC; TCPD; CLS*)
- Encourage transparency in pricing for customary lands, so that everyone knows the market rate and prices are more consistent and less dependent on individual purchasers' social standing and negotiating ability. (*CLS; OASL*)
- Reach out to customary leaders to encourage women to approach chiefs directly with requests for land. Work toward the removal of social stigma against women approaching the chief without a male escort. (*MGCSP; CLS*)

Education and awareness efforts to target audiences

Land sector agencies

- Provide education on the importance of participatory land use planning and the role of TCPD. *(TCPD; LC)*

Customary system

- Foster discussions within houses of chiefs and other forums for customary leaders on the issues related to allocation and access to land by community members in areas of rapid growth and increased demands for land. *(LC; TCPD)*
- Provide education around the need for compliance with existing land use plans in land allocation. *(TCPD; LC)*
- Education around the benefits of ensuring women have secure access to land and are involved in decision-making on land. *(MGCSP; LC)*

NGOs

- Engage with NGOs working with customary communities in the Northern Region to exchange knowledge of local land tenure systems and appropriate strategies to improve the tenure security and agricultural productivity of customary rights holders. *(NGOs/civil society organizations (CSOs); CLS; OASL; LC)*
- Work with NGOs such as Urban Net to help provide education and outreach on balanced approaches to allocation that help to ensure community members have needed access to land. *(NGOs/CSOs; L-PAN; OASL; LC)*

Farmers associations, smallholder farmers at large

- Foster community discussions around allocation and access to land in areas of rapid growth and increased demands for land. *(NGOs/CSOs; L-PAN; LC)*
- Encourage the creation of local farmers' associations that can support members in the acquisition of land. *(NGOs/CSOs; L-PAN)*
- Outreach to women to encourage them to come directly to the chiefs and elders to request land, rather than going through their male relatives and husbands. Some of the chiefs we spoke with said that women could approach them directly – awareness efforts aimed at women smallholders could lead more women exercising this right. Women should also be encouraged to take more ownership of the land allocation process, even when accompanied by a male escort. *(MGCSP; CLS; NGOs/CSOs)*

b. Recognition/recordation of land rights

i. Overview, processes, and key issues

Under the customary system of land allocation, documentation for farmland was the exception rather than the norm. Verbal recognition by the customary authority (relevant chief and possibly elders) was considered sufficient to acknowledge and secure use rights. At least in recent years, however, some customary authorities have issued written allocation letters for newly allocated house plots and, in a handful of cases, for farmland. See Appendix 2 for an example of a Gonjaland allocation letter from Bole.

Boundaries are generally marked by tractor marks and/or physical markers; farmers often bend trees along the edges and corners of their land to indicate a boundary.

In the communities visited, the chiefs had not, prior to CLSs, kept any kind of systematic cadastre or land recording system. Nor did smallholders register rights to their houseplot or their farmland with any kind of state registry. Records were kept orally, continuity between successive chiefs maintained, at least to some extent, by elders who supported successive chiefs. Where land was abundant, conflicts were reported to be infrequent, even in the absence of a cadastre or recording system. But where demands on land are higher, conflicts are on the rise, due in part to multiple allocations of the same plot by successive chiefs. In short, the oral system of passing down records has not always held up when a new chief is enskinned.

Recognition/recordation within the formal system

Registration of leases with the Lands Commission

Rights to both houseplots and farmland within skin land may be publicly registered as leases (up to 99 years) with the Lands Commission. Outside of a small Millennium Development Authority (MiDA) pilot project in Savelugu (now closed), land rights have been registered sporadically, upon acquisition of a new parcel of land, rather than systematically. This means that only those who have acquired land very recently, or who will be acquiring it in the future, are likely to have registered rights.

Interviewees noted two primary reasons for registering a formal lease. The first was to enhance land rights security vis-à-vis the chief and other parties, and the second was the ability to leverage the land rights as collateral for loans.

To apply for a lease, the applicant/developer must file an application with the Lands Commission that includes a copy of the allocation letter from the relevant chief and a survey site plan that has been pegged to cadastral reference points by a professional surveyor. The Lands Commission then verifies with TCPD that the application is suitable for the land use plan of the area.

To date, few if any smallholders have formally registered leases for their farmland in the Northern Region. This could be for a number of reasons, including the following:

(1) Cost. The official cost of registering a lease with the Lands Commission, which was unclear in interviews but seems to be based on a variety of factors, appears to be out of range for most small farmers. In addition, unofficial fees are reportedly collected at various steps along the way. Both at a meeting with the CLS and at another with multiple land sector agencies in Bole, discussion participants told the team that it was not possible to determine what the total cost would be to register a lease for a particular piece of land, due to the multiple steps involved.

People in all sites visited by the team called out the high cost of surveyors as a serious problem. Most surveyors are private; those few public surveyors are stretched thin, especially given rising demands from quickly growing residential areas.

(2) Bureaucratic impediments and lack of information. Steps are many to secure registration and processes are not clear, even sometimes to those in government. Lack of information about procedures may be a stronger deterrent to registration than costs for most landholders, according to a district assembly member in Tamale. Lands Commission staff in Tamale (Mashudu) reported that the registration procedures are complicated and overly cumbersome. And CLS staff in two locations noted that they did not thoroughly understand the Lands Commission lease registration process. Registration takes a long time, according to a group of officials in Tamale, and people do not want to wait.

(3) Physical access. The Lands Commission has offices in Tamale, Damongo, and Bole. These offices may be a significant distance for some rural residents, especially given the time and monetary expenses required for travel, which then must be multiplied by each of the various trips and steps required.

(4) Gender barriers. Very few women have formally registered any land rights in Northern Region. This could be for cultural reasons, and the fact that the number of female-headed households appears to be quite low (despite the team's impression from literature that 30% of households in the Region were women-headed.) Very few women have jointly registered with their husbands. And women heads of household face additional constraints, such as illiteracy and the opportunity cost of spending the time it takes to register their land in terms of labor on their farms and for their children.

(5) Ground rents. Cultivated land is subject to annual ground rents by the OASL. Although these rates are fairly low, for cash-poor small farmers they can be significant, and paying them may be a disincentive to registration, although it is unclear if registration actually increases the likelihood of being asked to pay. OASL officers in Tamale noted that OASL does not collect rents from subsistence farmers, but only from those land users who have acquired land and documentation from the chief, who provides the OASL with lists of migrant farmers in the area who are planting cash crops. It is not clear, however, whether this OASL policy is based on the fact that smallholders have not yet recorded or registered their rights. If they did, they could be subject to ground rent as well.

(6) Limited demand for recording by farmers. In many cases, smallholders simply do not see the need to record or register their land. In the team's group interviews, some farmers saw a strong need for registering their land, especially in the face of increasing alternative demands on it. Others, however, did not see the point, and usually for one of three reasons. First, some perceived their access to land and usufructuary rights to be—and to have been—secure without any formal lease. This was more often the case in areas like Bamboi, where land is still generally perceived to be abundant, and conflicts over boundaries, etc. are reportedly few. (However, note that development is coming to Bamboi as well, and the CLS believes that recording farmland rights will thus be important.) Second, in some more trafficked land areas, such as Gulkpegu, some smallholders did not think it was worth registering their rights because these rights were so weak to begin with. They pointed out that the land belongs to the chief, and that the chief can grant or deny these rights at any time. So, they question whether recording would serve any real purpose and whether it would be appropriate given the chief's authority over the land. Third, farmers questioned how land rights within a shifting cultivation system could be recorded. That is, if farmers are constantly clearing and plowing new land for their crops, how would it be possible to demarcate and record a specific area?

(7) Cultural taboo. In some cases it may be considered a cultural taboo to demarcate boundaries to land. In Katariga, a quickly growing town outside of Tamale, one of the elders told us during our audience with the chief that it was a taboo for a person to clearly mark and then show people the physical boundaries of his land. The team did not hear this view expressed more broadly.

(8) Problems with chieftaincy succession. The Dagbon Kingdom has been without an official overlord since 2002, due to a conflict over succession. Since the overlord's approval is required for any registered lease of skin land within the Dagbon kingdom, this gap in succession has prevented the Lands Commission from issuing formal leases over the past 13 years—as of 2011, an estimated 20,000 lease documents had amassed, awaiting the overlord's signature. Although the act of filing a lease application with the Lands Commission conveys some sense of security to the applicant, none of these transactions have been officially registered. The acting Regional Lands Commission Officer noted that the Lands Commission is thus unable to deliver a service that provides it with an important source of revenue, and also that it is unable to deliver subsequent services derived from a registered lease, such as those related to mortgage transactions.

Role of Planned Development Schemes

Planned area development schemes are one component of the CLS land allocation and recording system. The district assembly authorizes TCPD to draw up the schemes, at the request of a paramount chief, as a way to map out various land uses within a specific area. Chiefs usually request these in areas of high or expected residential development, as a way to accelerate plot leases to developers and others. Only part of the area in each of the cities and towns visited had been planned to date. Plot schemes covered about one-quarter of the land in the Bole metropolitan area, for example.

Land use planning in the Northern Region

Land use planning aims to guide growth and economic development so that it occurs in a coordinated and sustainable manner. When developed and implemented properly, land use planning can also increase tenure security by providing landholders with some assurance of current and future permitted uses of their land and that of their neighbors. The need for land use planning is especially acute in urban and peri-urban areas where a multitude of land uses, including residential and commercial development, agriculture, environmental protection, and government services, compete for limited land resources.

In the Northern Region, land use planning is still in its infancy, with the primary planning tool consisting of planned area development schemes. Development schemes are intended to guide residential and commercial development in urban areas so that growth occurs in a sustainable manner, and facilitate orderly and coordinated residential plot allocation by traditional authorities. As the primary planning authority, district assemblies are responsible for preparing development plans, which is coordinated through the TCPD and developed in collaboration with other land sector agencies and the traditional authorities. Most often, the schemes are developed at the request of the relevant paramount chief. A number of challenges beset the effective development and use of land use schemes in the Northern Region, including the following:

The plan development process lacks transparency and meaningful public consultation and dispute resolution. Little or no public consultation occurs within the plan development process. Although public hearings on draft plans are required by law they often don't occur because of cost and because there is a belief among TCPD staff that the public will comment or criticize a plan that has been requested by the chief. Likewise, access to dispute resolution mechanisms related to the plan development and implementation are expensive, protracted, and generally inaccessible to the average landholder.

The cost of developing plans is prohibitive. The cost of survey was consistently cited a factor that delays the development of plans. In developing plans, TCPD can utilize either public or private surveyors. Public surveyors are cheaper but have limited availability with only five public surveyors in all of the Northern Region. Private survey, while more timely, is expensive and has the effect of raising the price charged by chiefs for plots.

Development is outpacing the capacity to plan. In some urban and peri-urban areas the pace of development is outstripping the ability of the district assemblies to develop plans. As a result, development already exists in many areas where planning is still in process or has not been started. Reasons for this include lack of financial and human resources to develop timely plans, the fast pace of urbanization, and, not insignificantly, the fact that plans must be requested by a chief before TCPD will begin the planning process.

Both land sector agencies and traditional authorities lack technical capacity. The lack of qualified surveyors, planners, and legal staff within the district assemblies was consistently identified as a critical challenge for plan development. Similarly, some CLSs lack the capacity to effectively use development plans to guide and manage growth. In one community visited, the CLS coordinator was unable to show which plots on the development scheme had already been allocated, essentially rendering the plan useless to district assemblies trying to plan utility services, and the general public in trying to identify available plots.

Plans are almost exclusively focused on residential and commercial plot allocation to the detriment of other important and often existing land uses. Development plans are viewed primarily as a vehicle to facilitate plot allocation, and through that, revenue generation for the chief. As a result scant attention is being paid to planning for other important functions critical to sustainable urban growth such as environmental preservation, public infrastructure, urban agriculture, or other community livelihoods and amenities. Related, and more significant to the tenure security of smallholders, is the finding that plan development often results in the displacement of existing land users, usually small farmers, often with little to no notice or resettlement assistance.

Tamale: Northern Region Cooperative Vegetable Farmer: A woman in the group reported that she had farmed a half-acre of land to grow vegetables for more than ten years. The land was taken from her and converted into a slaughterhouse three years ago. Although the property was fenced, she received no notice or the reallocation and only found out when she arrived at her farm and found the fence and crops destroyed. She couldn't do anything about the lost farmland and is still looking for a new plot. She had been farming with her brother – he found new land far from their homes, but she has been unable to farm so far out due to the expense.

Chiefs and land sector agencies fail to adhere to development plans. In several communities, blatant disregard for development plans by chiefs and/or land sector agencies was highlighted as a significant

challenge. Examples were provided of chiefs simply ignoring plans in order to accommodate development of their liking, often resulting in double allocations. Several land sector agencies noted that planners have also been known to collude with chiefs to alter approved plans to the detriment of public interest and welfare. Some claim that breaches of development plans have become the norm, rather than the exception, in Ghana.

District assemblies lack the technical and political ability to enforce plans. While the district assemblies technically have the legal authority to enforce plans, in reality, capacity challenges and political realities make enforcement nearly impossible. Speaking to the capacity challenges, one group of district assembly staff noted that they lack legal and technical staff to bring enforcement actions, and even a vehicle or motorbike to perform inspections. Political realities also chill enforcement efforts. Several technocrats noted fear of termination or political repercussions if they attempted to enforce planning laws. As a result some district assemblies will not even test the laws and the court system.

Recommendations for land use planning

- Develop a National Land Use Policy that creates a philosophical and institutional framework for the environmentally and socially responsible use of land resources in Ghana. This should focus, in part, on encouraging the creation of simplified planning mechanisms. *(Parliament; LC; National Development Planning Commission)*
- Adopt a land use planning law based upon the principles of a National Land Use Policy that establishes a system for participatory land use planning (going beyond land schemes as currently utilized to a more comprehensive developmental planning approach) at the national, regional, and district levels. *(Parliament; TCPD)*
- Adopt penalties and enforcement mechanisms that result in significant consequences for individuals and entities that violate land use planning laws and regulations. *(Parliament; TCPD)*
- Identify a sustainable financial model for the creation of development plans so that planning can be completed prior to development. *(TCPD; LC)*
- Ensure reasonable and adequate funding is available to land sector agencies for the development and implementation of land use plan and regulations. *(Parliament)*
- Clarify and raise awareness among land sector agencies, customary authorities and the public of the institutional roles and responsibilities of various entities in the land use planning process. *(TCPD)*
- Develop model guidelines and best practices for key land use planning issues such as:
 - How to promote public participation in the land use planning process;
 - Strategies for effective enforcement; and
 - Facilitation and cooperation among land sector agencies and traditional authorities in developing plans, etc. *(TCPD)*
- Identify strategies aimed at removing or reducing corruption within land sector agencies. *(Parliament; land sector agencies; NGOs/CSOs)*
- Ensure that land use plans, laws and regulations, and land registration information is easily accessible to the public. *(TCPD; LC)*

Recording rights within the customary system: CLS efforts

One of the CLSs' most important responsibilities is to record customary rights to household plots. The purpose of these recordation efforts in most of the areas visited was to create an intermediate level of rights security, with the idea that these temporary rights would over time be registered formally as leases with the Lands Commission. By creating a temporary, informal system for registering customary rights, the hope is that CLSs can provide greater access to at least some enhanced level of tenure security. In so doing, they would help to mitigate some of the most common causes of land conflict within the customary system, such as double allocation of the same plot to multiple users. This section describes the process for recording land rights at the CLSs, as well as some of the issues involved. At the outset, it is important to note that the CLSs have recorded very few (essentially no) rights to farm land, focusing their efforts instead on residential plots.

Temporary systems for recording rights within the customary system

Each of the CLSs visited by the team had a different method of recording land rights. The systems used by CLSs in Gulkpegu, Damongo, and Bole were fairly similar, while the system used in Bamboi was less advanced. Quarterly reports on the activities of each CLS are reportedly submitted to the OASL, but the data does not appear to be synthesized and aggregated in such a way as to track progress over time.

CLS land rights recording practices in Gulkpegu, Damongo, and Bole

For Gulkpegu, Damongo, and Bole, the process for recording rights is generally as follows:¹¹

Process: The developer/applicant comes to CLS and fills out an application form with personal identification information, the number of plots, area requested, and contact information. At this time, the developer makes a payment. The CLS takes the developer to physically identify the plot and determine the block and plot numbers. If the developer wants a plot outside of a planned area, the CLS involves the survey department to map out the plots. The developer returns to the CLS office and fills out an allocation application with the block number, plot number, and name. The paramount chief and CLS coordinator endorse the allocation letter, which contains certain terms and conditions, such as that the lessee must develop the land within six months. (The CLS deputy coordinator noted, however, that this was not enforced.) Some consider the allocation letter in itself to provide greater security, even if it is not filed properly with the Lands Commission. The CLS makes three copies of the letter, giving one to the Lands Commission, another to the applicant/developer, and keeping one. The CLS files all applications according to the block and site numbers.

Cost: The cost of recording a one-quarter acre plot ranged between 280 to 500 GHC, with revenues shared between the CLS, the paramount chief's palace, and the district assembly (for survey and development of the site plan). The cost in some cases was higher for strangers than for indigenes, and in Damongo, the CLS coordinator noted that an indigene lacking sufficient resources was not required to pay. People in Damongo were also allowed to pay in installments. It is important to note that these are

¹¹ This description of the procedure is based primarily on an interview with the Bole CLS deputy coordinator, but draws also from interviews with the CLS coordinators in Gulkpegu and Damongo.

the costs for recording only, and that the required “kola” payment for the use rights themselves is separate and, in some cases near Tamale, may be as high as 2,000 GHC.

CLS land rights recording efforts in Bamboi

The Bamboi CLS, unlike the others, has not to date organized applications by block and plot numbers and does not seek to assist people in obtaining a lease with the Lands Commission. It is difficult for the CLS coordinator to know whether a plot has already been allocated before it is assigned to someone else. Costs for “recording” land rights with the Bamboi CLS (for a one-quarter acre plot, the price is 120 GHC for indigenes, 240 GHC for migrants) comprise only the fee for filing the allocation letter. All other services (survey, site plan, etc.) carry independent costs.

Refer to the table in Appendix 4 for a brief sketch of various CLS practices and innovations in recording residential land rights.

Creating greater access by customary land users to formal channels for registering rights

In addition to creating a temporary system for recording land use rights, the CLSs are also helping to increase access to the formal land registration system. It is important to note that these two processes—the informal and the formal—are distinct from one another, though the informal system may serve as a bridge to the formal one. CLSs note efficiencies in helping to assemble documents that would also be necessary in registering a formal lease with the Lands Commission at some future point for clients in the process of recording their rights with the CLS. For example in Gulkpegu, Damongo, and Bole, the CLSs have created a recording system that provides some degree of temporary security for applicants while at the same time assisting them to gather the documents needed to apply for a formal lease. One important outstanding question is: How many who have recorded their land rights with the CLS have (a) applied for a lease with the Lands Commission, and (b) been granted a lease by the Lands Commission? Other critical questions are whether and to what extent the recording process provides additional land rights security and whether or not the rights holder obtains a lease from the Lands Commission.

Successes and challenges of CLS recording efforts

On the positive side, the CLSs have developed institutional competency for recording rights, have organized the administrative land records within the paramountcies, have helped pave the way for increased lease registration with the Lands Commission, and have begun public information and education efforts on the importance of recording housing plots. And some of the CLSs have achieved a fast turn-around time for service delivery (e.g., one week total processing time, according to the Damongo CLS coordinator). Except in Bamboi, the CLSs have, by all reports, succeeded in reducing the incidence of double allocations—at least for residential land. If the CLSs redirected their efforts toward recording smallholder farmland rights, they could be an important institution in improving smallholder land rights security.

To date, however, the CLSs have limited their recording efforts almost entirely to house plots, primarily in the context of fast-growing residential areas in the urban periphery. None have made significant efforts to record smallholder farmers' rights to land, and only a token number of these are in fact recorded. In fact, most CLSs do not have processes or systems in place for recording rights to farmlands. Therefore, the relevance to smallholder farmers of CLSs' recording efforts, as they currently stand, is highly questionable. And in some cases, CLS efforts to record houseplots, and occasionally larger-scale commercial farmland, may actually weaken land rights security for smallholder farmers, whose land is being quickly replaced by residential growth in peri-urban areas.

With the exception of Damongo, almost no women have approached the CLSs to record their rights, either independently or jointly with their spouses.

Many of the impediments to registering a formal lease with the Lands Commission also apply to the recording of rights with CLSs. Procedures are more streamlined, but costs remain high, especially for the survey component. It does not appear that the CLSs have a clear and reasonable cost structure for recording farmland. As mentioned above, the Bamboi CLS was prepared to charge the same amount per acre for farmland as it would for a residential plot. At 120 GHC for a one-quarter acre plot, this would amount to 960 GHC to record a two-acre farmland plot, and 2,400 GHC to record a five-acre farmland plot—prohibitive prices for almost any smallholder farmer. Capacity constraints have prevented the CLSs from more broadly advertising their services and providing public education and awareness about the importance of recording rights to both farmland and houseplots among indigenes.

The greatest impediments to recording land rights, however, relate to the weak and amorphous nature of the underlying rights themselves within the contemporary customary system. First, both chiefs and subjects are adamant that peoples' rights to farmland are for use only, subject to termination by the chief at any time, and subject to continued agricultural use by the rights holder. Second, the physical area of land allocated is often not clear, especially where land remains abundant and shifting cultivation is practiced. Families are often given a general area in which to work, where they farm as much new land as they can clear. People expressed confusion about what land would actually be recorded in this situation. Third, there is a question as to what period of time would be most appropriate for the lease. Some expressed concern that any defined period of time would actually short-change an indigene lessee, as usufructuary rights have been held in perpetuity within the traditional customary systems.

The foremost rationale for recording farmland rights is to better secure these rights. However, in the Northern Region it appears that the primary source of land rights insecurity for smallholders derives from the chiefs themselves, given the unique degree of power they hold over land and subjects compared to chiefs in other areas of Ghana and the quickly rising land values in parts of the Northern Region. Stranger farmers in Gushie noted the tension between the idea of recording land rights to strengthen tenure security, on one hand, and the chiefs' perceived interests on the other. They said that documentation of farmland would be a problem because it would embolden people to resist the chief if a developer was interested in the land. Smallholder farmers in other communities expressed similar attitudes.

Perhaps the most important questions, then, are: (1) whether smallholder land rights really would be more secure vis-à-vis the chiefs if recorded; (2) if so, what incentives would chiefs have to encourage or even to permit recording; and (3) if not, is there much value in recording smallholder rights at all, since the primary source of insecurity seems to come from the chiefs. The less difficult but still challenging question that follows these three is what exact rights would be recorded, or put another way, how would usufructuary rights as currently recognized within the customary system be documented?

In short, smallholders' farmland rights remain unrecorded in areas where competing demands for land are on the rise, and where the CLSs are operating to record residential and commercial land rights. If the CLSs continue to focus only on recording these rights, and not also farmland rights for smallholders, their efforts will (a) not directly support smallholders, or, more likely, (b) weaken land rights for smallholder farmers, whose customary claims to land are not holding up against more lucrative (and increasingly recorded) competing claims.

ii. Effects on smallholder groups

This section identifies issues specific to various smallholder groups with respect to recognition and recordation of land rights.

Men: Heads of household/youth

The issues for male smallholders around recording rights are discussed in full above in the overview section. The team did not note any issues on recording particular to male youth, which may be because farmland rights are not yet being registered.

Women: Heads of household/within household

The vast majority of women in the communities visited by the team do not have recorded or registered land rights. Rights to farmland, as discussed above, are almost never recorded and the team did not encounter any instances of women with recorded rights to farmland.

Fewer women have recorded house plots than men. This trend can be attributed to a variety of factors including low literacy rates among women, the fact that most households appear to be headed by men, the high cost of the process, and women's general lack of inclusion in community meetings where they could receive information about the CLS and its functions. Joint recordings of property appeared to be rare or nonexistent. This may be because joint registration is not required, and chiefs in the Northern Region do not generally issue allocation letters to anyone in the nucleus household other than the male head.¹²

In addition to the factors listed above, cultural attitudes towards women's rights to land present a significant barrier to recording women's land rights, namely that women are expected to farm on family

¹² The draft Spousal Lands Rights Protection Bill would offer greater legal protection to women around joint recording and registration of community property.

land only until they are married, at which point they are expected to relocate to their husband's house and work on his farm land. For further discussion see the section below on security of land rights and access.

Of the communities visited, Damongo presents an interesting case study in the potential of the CLS to increase women's recordation of land rights. There, the CLS Coordinator estimated that 25-30% of the recordings processed were for women. The Damongo District Assembly's Gender Desk Officer confirmed that there were women in the community who owned their own homes, providing them with a high level of security in case of divorce or widowhood. Some of the women interviewed in Damongo were knowledgeable about the process for having house plots recorded by the CLS, and at least one woman interviewed had used the process to pay for and record her house plot. The Damongo CLS's experience could potentially guide other CLSs as they attempt to increase the number of women with recorded land rights.

Strangers

Because they do not have an expectation of holding land in perpetuity, stranger farmers may be more content than indigenes with a fixed-term lease, as indicated by some of those interviewed. In addition, migrants generally have a lower level of tenure security, and expressed a higher level of interest in recording their farmland rights. This is also because stranger farmers have often invested more in their land for cash crop production, and so have a greater monetary incentive to record their land rights. In the Northern Region areas the team visited, strangers are largely perceived to have a stronger production potential vis-à-vis that of most indigenes. Thus, from the standpoint of enhancing smallholder productivity, strangers' use rights may be among the most important land rights to protect and therefore (presumably) to record.

Peri-urban smallholders

Smallholder farmers in peri-urban areas are currently at high risk from recording and registration of new residential plots. CLS and LC efforts to record/register new residential plots may also pose risks to housing plots occupied by long-term residents of the community, given the very high level of investment in housing development (leading to large cash flows to landowning chiefs), and in the absence of systematic recording of existing residential land rights. Also, because peri-urban farmers are living and farming in areas where land is highly fungible and of increasing commercial/residential value, they may face the highest resistance from chiefs in regard to protecting their usufructuary rights to this land through recording them.

iii. Recommendations

Policy, law, and regulations:

Formal system

- Adopt law on spousal rights to property, establishing a clearer legislative framework for registration of joint spousal rights on stool/skin land. (*Parliament; MGCSP; LC*)

- Explore possibility of eliminating the requirement of a surveyed site plan for registration of a lease with the Lands Commission. If it is not feasible to completely eliminate the requirement, consider limiting it to larger parcel sizes. *(LC)*
- Adopt (or better promote) clear regulations/guidelines on the process and fees required for registering a lease with the Lands Commission. Require that these guidelines, with a fee schedule and timelines for each procedure, be prominently posted in offices of Lands Commission and all state land agencies. Note that this could take place in conjunction with LAP-2's upcoming review of land-related fees. *(LC)*

Customary system

- Explore less expensive alternatives to current survey requirements and costs for recording land rights at the CLS. Discuss among CLSs, and look for best practices around country. *(CLS; OASL)*
- Foster discussion in the customary leadership forums on recording farmland usufructuary rights for both indigenes and strangers. *(CLS)*
- Consider CLS policy to record land rights for multiple heads of household—joint recording for spouses. *(CLS; MGCSP)*
- Foster discussion among customary leadership and CLSs on how to record land rights (both residential and farmland) for those currently holding customary rights within the community, entailing some sort of limited systematic recording. Upcoming LAP activities will include a sensitization component to support this effort, but this will require ongoing support to ensure sufficient buy-in from customary authorities. *(CLS; LC)*

Institutional improvements:

Formal system

- Research and identify ways to reduce costs of surveys (including eliminating the requirement for a formal cadastral survey, training community para-surveyors, etc.). *(LC; TCPD)*
- Encourage transparency and accountability by posting procedures and fees for every step in the lease application/registration process publicly on the walls of relevant land agency offices. *(LC)*

Customary system

- Explore use of the bundling approach in Bole and Damongo as a model for other CLSs in reducing survey costs per parcel. *(CLS; TCPD)*
- Adopt two priority focus groups for CLS recording efforts, namely smallholder farmers and women. *(CLS; MGCSP)*
- Consider a sequential approach to recording smallholders' rights to farmland—start with land used for tree crops, then perhaps land used for other forms of non-shifting farming, and finally land used for rotating and/or shifting cultivation. *(CLS; OASL; LC)*
- Consider documenting allocations of farmland rights to strangers with written leases for a stated number of years. (Such leases could be, but would not necessarily need to be, recorded.) Note that this will require parties to come to an agreement as to the appropriate duration of the lease and lessor/lessee rights at the end of the lease period. There is also some risk that fixed-term leases could lead traditional authorities to demand greater cash payments for use rights. *(CLS; OASL)*
- The CLS in Damongo has been fairly successful at increasing the number of women with recorded rights to land. Increased funding and support to the Damongo CLS, which could then

serve as a model for other CLSs in the Northern Region, could lead to a significant increase in the number of women with recorded land rights. *(OASL; CLS)*

Education and awareness efforts to target audiences:

Land sector agencies

- Staff from the Lands Commission, OASL, etc. encourage community members (especially smallholder farmers and women) to record their rights with the CLSs. *(LC; OASL; CLS)*
- Work to improve coordination between land sector agencies and CLSs to facilitate delivery of services to areas of land allocations. *(LC; OASL; CLS)*

Customary system

- Explore best practices on recording issues among CLSs both within Northern Region and around the country to use as learning models for Northern Region CLSs. Issues for best practices could include: recording of women's land rights and joint spousal land rights; reducing fees and especially survey-related fees; linking allocation letters with plot maps/land use schemes; efforts to provide public information and education, etc. *(OASL; CLS)*
- Identify and communicate incentives to chiefs for recording farmland (e.g., improved ability to collect tributes at harvest time). *(OASL; CLS)*

Farmers associations, smallholder farmers at large

- Encourage community members (especially smallholder farmers and women) to record their rights with the CLSs. Awareness-raising around the CLSs and their role in land management and recording, specifically targeting women with messages about their right to record land in their own names. *(CLS; NGOs/CSOs)*

c. Security of rights and access to land

i. Overview, processes, and key issues

In this section the authors discuss whether those rights held by smallholders are secure in the face of changes, including: changes driven by external factors such as urban development, transition in chieftaincies, and changes within the family such as divorce or death of a spouse. Two specific contexts, compulsory acquisition and large-scale land acquisitions, will be covered further below.

Perhaps the most striking finding by the team was the level of deference people have for their chiefs, even when they are being displaced without compensation from land they have farmed for many years. This level of deference is perhaps commensurate with a system where chiefs take care to govern the land in the interest of their subjects. This is much easier, of course, when land is abundant and it's perceived monetary value nominal. In some parts of the Northern Region, this appears to be largely the case and the usufructuary rights are perceived as secure. In other areas, however (such as those near to Tamale, Damongo, and Bole) land values are rising and chiefs are cashing in on urban and residential development at the expense of their smallholder subjects. In these areas, and especially near Tamale, chiefs as a matter of course sell out farmland to developers without notice or compensation to the farmers. Deals are generally made solely between the chief (with perhaps some of his elders) and the

investor, without notice to or input from other stakeholders in the community.¹³ (One exception appears to be allocation of large plots of land for investment, which are subject to Lands Commission approval prior in order to be registered.) This practice is creating a crisis of land rights insecurity for smallholders in peri-urban areas; even those who haven't been displaced know that they can be at any time, undermining incentives to invest in the land in order to improve productivity.

Even in more rural areas, chiefs may sometimes displace farmers who have made investments in their land (e.g., adding fertilizer), because this investment is seen to increase the land value. This has been a problem with the MoFA block farming program, according to MoFA officials, as farmers who apply fertilizer obtained through an in-kind loan are more prone to losing their land. Chiefs may also sell out land rights of smallholders to large-scale investors, such as the jatropha plantation in Kpachaa, again with little or no notice or compensation.

Even when people are unhappy with the chief's decisions they almost never challenge him due to their belief that the chief, with some input from the elders, has sole authority over the land within his jurisdiction. The idea that the chief holds land in trust for his subjects/land users (as espoused by the Constitution, in custom throughout most of Ghana, and possibly also in custom/tradition in the Northern Region in the past) appears to be falling by the wayside as demand for the land, and associated land values, increase.

One important factor explaining the ease with which chiefs are displacing smallholder farmers from their land is that land rights have not traditionally been considered stationary, as shifting cultivation practices have been the norm. Since shifting cultivation practices demand that farmers are always looking for new and more fertile soil, and because new land has been abundant in the past, "displacement" has carried a very low perceived cost. Furthermore, displacement (even to date) usually occurs after the harvest season, so that crops are not lost.

However, in areas where land is becoming more scarce, those displaced are no longer able to find land nearby, if they can find it at all within their community. If not, they have to go outside of their community as strangers, which often entails hefty distances to travel, the payment of tribute to the host chief, and perhaps even greater insecurity in the new location. Where land is scarcer, farmers are practicing more stationary agricultural practices, involving limited crop rotation rather than shifting cultivation. This approach to farming requires greater inputs and investments to the soil over time in order to preserve its productivity. Farmers are not generally making these investments, however, and soil fertility is declining. As displacement grows, it is unlikely that many farmers within or near cities will be willing to make needed investments in their land, not knowing whether/when they'll arrive one morning to find their land has been allocated to someone else. The team heard numerous reports of farmers showing up to work on their land one day to find surveyors' stakes embedded in their land, or a mound of sand used for making cement blocks—sure signs that the land was slated for development.

¹³ In one case of a large-scale jatropha farm in Kpachaa, it was alleged that the paramount chief entered into the deal with the investor (Solar Harvest) without even providing notice to the relevant sub-division chief.

Under customary norms the residents have a much more secure right to their housing land than they do to their farmland. Although all land is considered to belong to the chief, families have a well-recognized interest in housing plots, and chiefs do not generally force people to relocate from their land for purposes of more lucrative development in the communities visited by the team. In several of the communities visited by the team, smallholder farmers were emphatic that the chief would not try to move people from their homes. With increasing pressure in peri-urban areas especially, however, it is not clear for how long this customary norm will hold true. Some people speculated that intensifying urban development will threaten customary tenure security to housing plots as well.

Presumably those people able to record/register their land rights (whether to house plots or farmland) would have more security over them. Almost all registration/recordation appears to be sporadic, for instance, upon payment for the land rights and/or taking residency on the land. Very few current residents in the communities visited are pro-actively applying recordation/registration and, as noted above, smallholder land rights have not yet been recorded.

ii. Effects on smallholder groups

This section identifies issues specific to various smallholder groups with respect to security of land rights.

Men: Heads of household/youth

Although land rights are insecure across the Northern Region, the land rights of indigene men are the most secure across the communities visited. The primary source of men's land tenure insecurity is the power of the chiefs to reallocate land without notice or compensation. Men's land rights are not vulnerable to changes within the family; their rights do not change upon marriage or divorce, or the death of a spouse. Although younger men face slightly greater challenges in gaining access to land, it did not appear that those rights, once acquired, were less secure than those of older men.

Women: Heads of household/within household

Women's land rights were significantly more insecure than those of men in almost all communities visited. Although the size of the disparity between men and women's tenure security varied by community, across all communities women were significantly more vulnerable to changes in the family, such as marriage, divorce and death.

Upon marriage, women in the Northern Region usually move to their husband's home and farm on either his existing land or a plot the husband requests on the wife's behalf. In doing so, they usually lose access to their family's land. Although in the communities visited, both men and women claimed that a woman would be able to return to her natal home and access land if she could no longer farm on her husband's land, in reality this means women's access is much less secure than that of their brothers or other male relatives, whose access is unaffected by changes in marital status.

In the case of divorce, women are almost never able to stay in the marital home and rarely retain rights to farmland acquired through their husbands. Even in communities where women had some right to

farmland that their husband had specifically acquired for them (which was the case according to some interviewees in Damongo, Gulkpegu, and Bole), they are often unable to retain their access to that land once they return to their natal home due to the location of the farmland within their ex-husband's community. However, in most cases women lost access to any land acquired through their husband upon divorce, with no distinction made between divorces initiated by the man and those initiated by the woman. It should also be noted that women will often be forced to leave their children if they are divorced; a fact that discourages many women from divorcing their husbands, even in cases of domestic violence.

There was a significant amount of variation in the communities as to the question of the rights of women after the death of their husbands. A woman might be able to retain her marital home but not farmland, or vice versa. She may also lose access to all land. The answer often depends on three factors: the woman's age, the number of children she has, and her relationship with the deceased's family. Younger women—those still capable of bearing children—are more likely to have to leave either because their in-laws expel them or because their own family wishes for them to return so that they can remarry. Having a larger number of children improves the chances that a woman will be able to remain in her marital home and continue using her husband's farmland. In several communities, interviewees reported that a woman with more than five children would be able to continue using the land, while women with fewer children would have to return to their natal home. It became clear that a woman's relationship with her husband's family is in fact the primary factor determining whether she will be able to stay. In Bamboi, women reported that even though tradition dictates that an older widow without intentions of remarrying be allowed to stay in her marital home, in practice the husband's family will often remove her by force.

The impact of the family changes described above is exacerbated by increasing competition for land. Women are often the worst hit in the face of competing demands for land; they are usually among the first to lose access, both to personal farmland and to communal resources. Women in the peri-urban areas in and near Tamale were the only group to report that they might not have access to farmland in their natal home upon divorce or widowhood. In contrast, women in the more rural communities of Bole and Damongo were generally confident in their ability to access land through their fathers, brothers, or uncles if they returned.

Migrants/strangers

The rights of strangers are often less secure than those of indigenes; their rights are subject to their payment of sufficient tribute to the chief or other landholder, and depend on "good behavior" in the eyes of the chief and the community at large. Bad behavior can include failing to participate in community activities (such as annual festivals), chasing other men's wives, stealing, and generally failing to adhere to community standards. As their rights are often secondary to those of indigenes, and temporary in nature, strangers are among the first to lose land as development increases and brings with it increased competition for land. (That said, in some communities, indigene farmers worried that the chief would allocate unutilized land out fully to strangers—who pay tributes—leaving inadequate supplies for indigene farmers.)

Several migrants interviewed reported losing some amount of their land in the past. One man in Bole had lost his farm on three separate occasions—he was expelled from his farm twice by indigenes. On one occasion, he had gone to the Upper West Region for a short time and, upon returning, discovered that the land had been claimed by an indigene. The migrant was forced to harvest his crops and leave. On another occasion, he was driven off his land by indigenes who claimed he was taking too much virgin land after he plowed a 50 acre plot. Although in both cases he was able to acquire new land, his status as a stranger seems to have made him an easy target for expulsion by indigenes.

Peri-urban smallholders

Peri-urban smallholders face the greatest levels of tenure insecurity in the Northern Region. Tamale is one of the fastest growing cities in West Africa, but this growth has come with consequences for local populations. Increasing pressures on land from development have led to the expulsion of many peri-urban customary landholders from their farmland as land values skyrocket. Interviewees in the Gulkpegu CLS area reported that most of their community's farmland had been sold out by chiefs in recent years for residential development. Residents of Kotinli reported that their farmland had been sold to strangers for 2000-3000 GHC per plot (a price far beyond the reach of indigenes in the area), and had been sold as residential plots almost exclusively to new settlers. Some interviewees in this community explained that the new chief had spent a significant amount of money in order to gain his chieftaincy, and that it was therefore to be expected that he would sell much of the land to recoup his expenses. Even when pressed, interviewees insisted that doing so was within the chief's rights. With one notable exception which will be discussed in the next section, people in the communities visited accepted the chiefs' decisions as final and simply moved to new land, in some cases 20-40 km away, when they lost their local farmland.

Although many peri-urban residents felt more secure in their rights to their homes, claiming the chief would never reallocate residential plots, it was unclear how much more security they truly had. As pressures on land continue to grow, it seems likely that even rights to residential plots will become insecure in the near future.

iii. Recommendations

Policy, law, and regulations:

Formal system

- Consider including protections in Land Bill for usufructuary rights holders on stool/skin lands vis-à-vis the authority of allodial rights holders to transact the land. These could be both procedural (e.g., requirement to provide notice) and substantive (e.g., requirement to provide compensation, and/or prohibition on certain kinds of transactions). (*Parliament; LC*)
- Adopt the Spousal Property Rights Bill, clarifying women's rights to the marital home and land in case of divorce or death of spouse. (*Parliament; MGCSF*)

Customary system

- Encourage policy within customary leadership in the Northern Region to compensate those holding usufructuary rights to farmland when the chief decides to displace them for residential growth. *(LC; OASL; CLS)*

Institutional improvements:

Formal system

- Consider making information on existing registered leases publicly available. *(LC)*
- Ensure that large-scale commercial acquisitions of farmland conform to existing guidelines. *(LC)*

Customary system

- Enforcement of agreements with large-scale commercial farms and other lessees of stool/skin land. *(LC; CLS)*
- Implementation of guidelines on large-scale land transactions, when adopted. *(LC; CLS)*

Education and awareness efforts to target audiences:

Customary system

- Identification and sharing of best practices among customary leaders for procedural safeguards and compensation for usufructuary rights holders when the chief allocates the land they have been farming for residential development. *(CLS; LC)*
- Education around the community-wide benefits of securing land rights for women farmers - encourage customary authorities to support women's land rights, including rights in divorce and widowhood. *(MGCSP; NGOs/CSOs)*

NGOs

- Support NGOs in encouraging community discussions on issues noted below, especially the nature of usufructuary rights and the chief's role as trustee for community members. *(NGOs/CSOs; L-PAN)*

Farmers associations, smallholder farmers at large

- Public awareness campaigns targeting women on smallholders' rights – large-scale land acquisitions guidelines, notice and consultation requirements for compulsory acquisition, and role of the chiefs in land management (hold land in trust for the community, not just themselves). *(MGCSP; LC)*

d. Conflicts, dispute resolution, and enforceability of land rights

i. Overview, processes, and key issues

As discussed above, in the communities visited smallholders' rights to land did not reach the level of fee simple ownership; community members generally hold use rights to land which they believe is owned by the chief.¹⁴ This modern understanding appears to be a shift from the traditional customary

¹⁴ The Ghanaian customary conception of land ownership differs from the Western conception. Traditionally, Ghanaian use-rights holders view themselves as the "owners" of use rights, even though they acknowledge that

understanding, in which chiefs hold the land in trust for the people. As a result of the high level of deference shown to the chiefs in the Northern Region, smallholders rarely attempt to enforce their land rights against the chiefs. The team heard of very few cases in which a chief's actions were challenged. Instead, the vast majority of interviewees who had lost land as a result of a chief's decision stated they relocated without protest when their land was taken. Smallholders seemed to be unaware of any legal protections of their rights, including the safeguards in place for smallholders when land is compulsorily acquired by the government.

Smallholders are better able to enforce their rights against community members and strangers. In such cases, the chiefs and elders act as the primary dispute resolution mechanism within the community. Within the customary dispute resolution system, disputes are initially brought to local chiefs and elders and will only work their way up the hierarchy to divisional chiefs, paramount chiefs and overlords when lower-level chiefs are unable to provide a satisfactory resolution to the dispute. Disputes in the visited communities revolved mainly around boundary disagreements, disputes with strangers over rights to land, and disputes with pastoralists over damaged crops. Although these disputes are frequently resolved by the parties involved, the chiefs and elders act as the primary dispute resolution mechanism under the customary system. Community members with disputes over boundaries or land rights may take their case to an elder, who will either resolve the dispute personally or send the case to the chief and the council of elders to conduct an investigation and determine the appropriate resolution for the dispute.

Formal dispute resolution via courts is generally inaccessible to smallholder farmers in the communities visited. The formal courts do hear land-related cases, but these cases seem to rarely involve smallholders' rights. Although this could be a result of unwillingness on the part of the courts to interfere in matters related to customary land rights, interviews suggest that formal courts are supportive of documented smallholders' rights in the rare instances that land disputes are brought to them. Unfortunately, smallholders face barriers in accessing the courts, principal among them the high cost of bringing a formal case to court. Expenses include attorney's fees, court fees, and the cost of traveling to and from the court. The time it takes to bring a case to its conclusion, which requires multiple court visits over the course of several months or years, also deters smallholders from pursuing formal claims. Cultural barriers, including deference to the chiefs and restraints on women's ability to act independently, language barriers, and illiteracy can also contribute to the inability of smallholders to enforce their rights through formal courts.

In the more rural communities visited by the team (i.e., Damongo, Bole and Bamboi), the destruction of crops by Fulani cattle is the primary cause of disputes. These disputes are often difficult to resolve because the farmers rarely know which herder's cattle are responsible for the damage due to the fact that the destruction often happens at night. Even when the responsible herder can be identified, farmers encounter difficulty in enforcing their land rights. Disputes with Fulani herders can be handled by chiefs or police; although in Bamboi interviewees reported that they had been told to report the

those rights are secondary to ownership right of the allodial title-holder. The use right to farm the land means that for the time the farmer remains on the land to farm and is allowed to do so, he or she "owns" that use right.

disputes to the CLS. Complaints to the chiefs or CLSs had mixed results; in at least one community, the team heard that the chief frequently sides with the Fulani herders in their disputes with farmers because he receives royalties, in the form of cattle, from the herders. However, in other communities the chiefs appeared to be more supportive of the farmers' rights. Taking these disputes to the police also presents challenges - farmers who complain to the police may be asked to personally apprehend the offending herder, a dangerous task given that many of the herders are armed.

In Damongo and Bamboi the paramount chiefs described a similar process for resolving disputes between farmers and herders. The farmer is tasked with identifying the responsible herder, after which both parties will be summoned to the chief's palace to determine the value of the loss. If there is disagreement over the value the chief will send one or more elders to the farm to evaluate the loss. The chief will then order the herder to pay the farmer the value of the lost crops. Both chiefs reported that the herders have no choice but to pay the ordered amount, as they may otherwise be expelled from the area by the chief.

In several communities, including Damongo and Bole, interviewees reported that disputes related to development and housing plots are referred to the CLS. In these cases it appeared that the chiefs deferred to CLS records and sent community members there when disputes arose over recorded plots.

Overall, smallholders' ability to enforce their land rights is significantly limited by the immense power and respect afforded to the chiefs. While smallholders are generally able to resolve land-related disputes, either amongst themselves or with the help of the chiefs and elders, they are rarely able to enforce their rights to land when the infringing party (be it a biofuel company, residential developer, or the Fulani herders) has the support of the chief.

ii. Effects on smallholder groups

This section identifies issues specific to various smallholder groups with respect to conflicts, dispute resolution, and enforceability of land rights.

Men: Heads of household/youth

Men reported few disputes over land. Boundary disputes were uncommon across communities. When boundary disputes did arise, men were able to go directly to the chief and elders and request their assistance in resolving the dispute. In those instances, both parties present their case and elders are often sent out to examine the farms and determine where the boundary is located. To bring a dispute to the chief and elders, the men sometimes must present a "kola" payment to the chief. There appeared to be no hesitation on the part of the men interviewed to approach the chief if they needed assistance to resolve a land-related dispute.

The destruction of crops by Fulani cattle was the primary source of disputes around land in Damongo, Bole, and Bamboi. The men are rarely able to enforce their rights against the cattle herders because they are unable to identify the responsible herder – the cattle eat crops at night and are gone by the time the farmers return in the morning. In Bamboi, men stated that they had been told to report the

Fulani to the CLS, although the CLS does not have the capacity or authority to resolve issues between the farmers and the cattle herders. In Bole, some interviewees suggested that the chief often sides with Fulani herders when they are accused of allowing their cattle to destroy farmers' crops because the herders pay him in cattle in exchange for his permission to graze their cattle on his land. However, in Damongo the chief appeared to be very supportive of farmers' rights and encouraged farmers to bring disputes about Fulani cattle directly to him. When they are able to identify the responsible herder, Damongo men are able to bring their claim to the chief who directs the elders to conduct an investigation into the matter to confirm the damage and determine the appropriate fine. If herders refuse to pay the determined fine, the chief expels them from the community. While this system has not completely eliminated the problem, as farmers often cannot identify the responsible herder, the Fulani herders appeared to be causing more problems in Bole and Bamboi than in Damongo.

Women: Heads of household/within household

Women face significant barriers in accessing justice and enforcing their rights to land. Women are rarely, if ever, represented on customary dispute resolution bodies and their access to dispute resolution actors almost always goes through men. This creates a challenge when the dispute is with their husbands or male family members. In disputes with others over land, they can be represented by their husbands or other males and have the dispute fairly resolved. Though not ideal, this did not appear to be a concern for the women we interviewed, perhaps because they have accepted this situation as unchanging despite the negative implications for their land tenure security.

Intra-household and intra-family disputes are handled within the family itself. In cases where women are divorced or widowed and then expelled from their late husband's land, they often have no ability to enforce their rights, limited though they may be. The only recourse available is usually a negotiation between the wife's family and the husband's, which is handled by the elder males rather than the women themselves. In the case of divorce, these negotiations often focus on reconciling the couple, rather than enforcing the women's land rights if she remains separated from her husband.

If a woman's brothers were to refuse her a farm plot, she would have no access to an impartial judge. Because of the potential social consequences of pursuing justice in either scenario, women are unlikely to challenge their in-laws or family members when they lose access to land. The team did not hear of any instances in which a woman took a dispute between herself and her in-laws or family members to the elders or chiefs.

Strangers

Migrants and strangers, like women, are not represented on customary dispute resolution bodies and their rights tend to be particularly insecure. The majority of disputes they reported were between strangers and indigenes, but strangers are often unable to enforce their rights once they have been challenged or removed from land by indigenes due to their secondary status within the community.

A migrant interviewed in Bole provides an illustration of the general inability of strangers to enforce their rights to land once challenged. On one occasion, he was forced to abandon his farm due to

continuous destruction by Fulani cattle. Although he had complained to the chief about the Fulani's disregard for his farm, he was unable to receive any assistance in enforcing his rights against them; the family head instead offered him new land on which to farm. On two subsequent occasions when he was driven off of his farmland by indigenes he did not attempt to dispute their claims and was once again granted new land by the family head. He explained that he did not expect a dispute between himself and an indigene to be resolved in his favor. His experience does not appear to be unique among strangers and migrants.

This man's case highlights another important point about the ability of strangers to enforce their rights, namely that the ability to do so will often depend on the financial interests of the chiefs. The Fulani, for example, often pay the chiefs in cattle for the use of land for grazing. As a result, the chiefs may be more likely to look the other way when Fulani cattle destroy the farms of their subjects. Settlers, who purchase house plots for sums far beyond the reach of most smallholders, are similarly valuable to chiefs and therefore more likely to have their land rights supported by the chiefs when disputes arise, even when those disputes are with indigenes.

Peri-urban smallholders

Although peri-urban smallholders, like other groups, are generally both unwilling and unable to enforce their land rights against chiefs, the team encountered a few examples demonstrating that some people in the Northern Region are willing to challenge the chiefs when they infringe upon their land rights.

The rapidly increasing price for residential plots in and around Tamale has led to the double allocation of houseplots. In some of these cases, the plot will have been "sold" to a smallholder and later, "re-sold" to a settler at a higher price. Several smallholders in the Tamale area have reportedly used the formal courts to enforce their rights to residential land against chiefs who have attempted to reallocate their plots. One Tamale smallholder explained to the team that though people usually avoid courts due to the cost and time associated with the process, those who do use the courts often win their cases if they are in possession of legitimate documents.

At least some, and possibly most, chiefs are aware that courts will uphold documented rights. One smallholder, who had documented rights to his house plot, consulted an attorney when the chief attempted to reallocate the plot; the attorney then spoke with the chief's secretary and threatened to go court with the documents, which was enough to stop the chief's attempt to reallocate the plot. While effective, this route is rarely available to smallholders due to the cost of consulting an attorney—the smallholder explained that he was only able to do so because of a personal relationship with the attorney.

The Northern Region Cooperative Vegetable Farming group is a union comprised of over 1,500 vegetable producers and marketers who work together to advocate for smallholders' rights. In 2004, the group intervened when a chief attempted to convert a Tamale vegetable plot used by over 200 people into residential plots. After failed attempts to convince the chief not to convert and subsequently sell out the land, the union (with support from Urbanet) publically protested the chief's decision. The

protest drew media attention and the affected farmers were eventually able to bring their case up the customary hierarchy to the regent in Yendi, who ruled in their favor and against the local chief.

Although the case of the Tamale vegetable plot is inspiring and reveals the power smallholders can have if organized, it has not affected the practices of chiefs in peri-urban areas. There does not appear to have been any slowdown in peri-urban farmland reallocations by chiefs since the case was resolved.

iii. Recommendations

Policy, law, and regulations:

Formal system

- Adopt a Land Law that clearly defines the rights and responsibilities of chiefs and smallholders and provides a framework for enforcement of usufructuary rights holders vis-à-vis the authority of the chief. (*Parliament; LC; MGCSP*)
- Update the National Land Policy and include clear support for women's land rights generally, including requirements that customary authorities comply with the Constitution and enforce basic rights. (*LC; MGCSP; Parliament*)

Customary system

- Establish guidelines for the resolution of disputes that come to chiefs, elders, and other customary dispute resolution actors in order to make processes more consistent, fair, and transparent. (*Customary authorities; CLS; LC*)
- Within the skins in the Northern Region, encourage customary leaders to clarify norms and rights regarding women's land rights upon divorce, and begin discussions around how to encourage women to bring disputes over their land rights to the chiefs. (*MGCSP; CLS; NGOs/CSOs*)
- Establish a clear policy on the rights of women upon the death of a spouse, which recognizes the varied practices across Ghana's many ethnic groups but still establishes basic rights for widows. (*MGCSP; LC*)

Institutional improvements:

Formal system

- Improve efficiency of the formal court system in order to lower costs and decrease the amount of time it takes to file and resolve a claim. Anecdotal evidence suggests that the formal courts are supportive of smallholder rights when they have been documented, but the cost and time required for a formal hearing make the process inaccessible for the majority of smallholders in the Northern Region. (*Ministry of Justice; LC*)

Customary system

- Consider acceptable approaches to document farmland rights in some way, even if through a written, but unrecorded, document (such as an allocation letter or lease document). This would provide a basis for determination of rights in the future if conflicts arise. (*CLS; OASL*)
- Develop and keep written records of the cases presented to traditional authorities, noting parties to the disputes, basic facts, and any evidence presented, as well as the decision. (*Customary authorities; CLS*)

Education and awareness efforts to target audiences:

Customary system

- Outreach to provide legal literacy training to chiefs and elders on land rights, including rights and responsibilities under the Constitution, large-scale land acquisition guidelines, regulations on compulsory acquisition, and other relevant laws and policies. *(LC; NGOs/CSOs)*
- Given the wide variety of capacity for dispute resolution observed among CLSs visited, use best practices within the Northern Region as educational tool for CLSs with less-developed dispute resolution capacity. *(CLS; LC)*

NGOs

- Pilot potential approaches to the creation of affordable legal aid for smallholders. Work to develop and increase the capacity of existing legal aid institutions. *(NGOs/CSOs; Ministry of Justice)*

Farmers associations, smallholder farmers at large

- Build awareness within communities around the rights of smallholders and the role of chiefs in land management. *(LC; CLS; NGOs/CSOs)*
- Public information campaigns to build awareness of legal aid and other support available to help smallholders enforce their land rights. *(LC; Ministry of Justice; NGOs/CSOs)*
- Reach out to women to encourage them to bring land disputes, including intra-household disputes, directly to customary authorities. We heard from many of the chiefs that women can come to the chiefs directly, but in group interviews the women said they go through male relatives. *(MGCSP; CLS; Customary authorities)*

e. Decision-making

i. Overview, processes, and key issues

The team examined decision-making at both the community and household levels. In both contexts, older men appear to have a central role in decision-making processes. At the community level, decisions related to land are made by chiefs, elders, and family heads, often with limited consultation with the rest of the community. A man's degree of kinship to the chief and the royal family frequently correlated with a greater amount of influence and power over community-level decision-making. Younger men appeared to be increasingly involved in decision-making on land and other community matters. This appeared to be due to recognition of the need for more educated people to be involved in community management.

Very few rural farmers have organized socially or politically to increase their role in the decision-making process on land matters at the community level, though the Northern Region Cooperative Vegetable Farming group, discussed above, is a notable exception.

ii. Effects on smallholder groups

This section identifies issues specific to various smallholder groups with respect to decision-making around land.

Men: Heads of household/youth

Older men and those with a close degree of kinship to the chief and elders generally dominate decision-making at the community level. Within households, husbands appear to hold the strongest decision-making power over land, although wives in some cases were able to decide if they wanted to farm, how much land they could farm, what crops to grow on their land, and what to do with the proceeds from their farming. The team heard of no circumstances where a wife influenced her husband's decisions about what to cultivate on his land, and husbands appear to have more autonomy than their wives in choosing what to do with their farm proceeds.

Women: Heads of household/within household

Women have little, if any, ability to participate meaningfully in community-level decision making. Very few women hold positions of power, such as chief or elder. Many of the communities visited had a queen mother, but the role of the queen mother in making decisions over land is limited. For example, the Queen Mother of Gulkpegu is invited to meetings with the chiefs and elders at the palace and said she feels free to voice her opinions in these meetings, but that it is the chief who holds final decision-making authority. She claimed to have no role in land management in the community; she was unaware of any documentation of land rights in the community; and while she had heard of the CLS, she was unaware of its role in land management. The Queen Mother was emphatic that she is not involved in land-related issues, and would therefore be unaware of land-related developments and activities.

Even in rare cases where women hold positions of power, it is unclear if they are able to exercise that power to the same extent as men in similar positions. In at least one community (Bole), there was a woman seated among the elders, but she did not participate in the discussion. The team also visited a community on the outskirts of Tamale, Katariga, which had a woman as chief. Traditionally the chieftaincy in Katariga is always held by a woman, although the chief's elders were all men. In the team's visit with her only the elders spoke; the chief did not speak at any point in the meeting. As a result, it was unclear to the team whether the chief in fact held decision-making authority in Katariga to the same degree as the chiefs of other communities. When asked about her standing among the other chiefs, the elders--presumably responding on her behalf--claimed that she faced no challenges.

Within the household, it appeared women hold a higher degree of influence and control over decision-making. Most of the women interviewed claimed they made decisions about how to use their farms and kept control over their own incomes. However, the burden of paying for household expenses seems to fall disproportionately on women. Many of the women interviewed claimed to spend more on the household than their husbands. When asked how their husbands' income is spent, many claimed not to know while others stated that the men will use any "extra" money to bring in additional wives.

Strangers

Across communities, strangers played no formal role in community-level decision-making. Although some strangers, particularly those whose presence is financially beneficial to the chiefs, are able to informally influence decision-making at the community level, strangers are not typically directly involved

in decision-making. Most reported that they are not included in community meetings and learn of decisions after they have been made.

Peri-urban smallholders

Peri-urban smallholders, like rural smallholders, have little role in decision-making unless they hold powerful positions or have a relationship with those in powerful positions. Kinship with the chief afforded smallholders the greatest level of influence over decision-making. As discussed above, smallholders are able to influence land-related decisions by the chiefs when politically organized, as in the case of the Northern Region Cooperative Vegetable Farmers. But it seemed rare that smallholders are politically or socially organized enough to significantly influence the decisions of the chiefs and elders.

iii. Recommendations

Policy, law, and regulations:

Formal system

- See recommendations below under the sections on Compulsory Acquisition and Large-Scale Land Acquisitions.

Customary system

- Establish policies and guidelines that encourage community consultation by chiefs and elders. Customary leaders could consider instituting regular community meetings to discuss land-related issues. *(LC; CLS)*
- Work to include more women in customary decision-making bodies. The House of Chiefs could require the inclusion of women among a chief's elders. If there is initial resistance to including women and men in the same forums, consider forming a separate women's council that could work in conjunction with the male chiefs' councils on community issues. *(Customary authorities; MGCSP; LC)*

Institutional improvements:

Formal system

- Enforce existing procedural safeguards for Compulsory Acquisition. Implement the existing guidelines on large-scale land acquisitions. *(LC)*
- Renew efforts to provide extension services for model agricultural practices to smallholder farmers, women, and others who may be socially vulnerable or marginalized within the community, as a way to build their knowledge and social capital. *(MoFA; MGCSP)*

Customary system, with focus on CLSs

- Comply with any requirements for procedural safeguards (community notice, opportunity for public hearings, right to appeal, etc.) prior to the disposition of land. *(Customary authorities; LC)*
- Reach out to women in the community to make sure that they are aware of community meetings and decisions and are included along with the men. Work to ensure that meetings take place at times that women are able to attend and are kept short so as not to interfere with their other duties. *(Customary authorities; CLS; MGCSP)*

Education and awareness efforts to target audiences:

Land sector agencies

- Trainings around community notice and consultation requirements for compulsory acquisition and large-scale land acquisitions. *(LC)*
- Advocate for the consistent implementation of existing guidelines and regulations that entail procedural safeguards. *(LC; NGOs/CSOs)*

Customary system

- Encourage chiefs and elders to act as advocates for women's land rights within the community. As community leaders, chiefs and elders have strong influence and can lead others to be more supportive of women's rights. *(MGCSP; NGOs/CSOs)*
- Education around legal requirements for compulsory acquisition and large-scale land acquisitions. *(LC)*

Farmers associations, smallholder farmers at large

- Raise public awareness of smallholders' rights, particularly any rights to notice and consultation prior to the disposition of stool/skin land. *(LC; NGOs/CSOs)*
- Encourage women to advocate for their land rights and work with community leaders to ensure their rights are enforced. *(MGCSP; LC)*

V. Specific Contexts for Discussion: Compulsory Acquisition and Large-Scale Land Deals

a. Compulsory acquisition

i. Scope and frequency

The government has compulsorily acquired skin land in the Northern Region for a number of different purposes, and issues pertaining to compulsory acquisition were frequently cited during the team's visit. Large-scale contemporary causes for compulsory acquisition in the region include the Bui Dam, located in Bamboi,¹⁵ and the proposed construction of an international airport in Tamale. The government also holds large tracts of land in the region from past acquisitions, including approximately 2,000 acres for military exercises near Tamale, the Cocoa Research Institute in Bole (estimated to be five square miles), the Mole game reserve (acquired in the 1950s), and sizeable tracts throughout the region held for academic institutions, churches, and other purposes.

The government does not appear to have exercised compulsory acquisition in the Northern Region in order to acquire smallholder farmland for large-scale land investments—this is rather done through

¹⁵ The Bui Dam project, according to the official governmental website, involved the resettlement of eight communities with a total of 1,216 people. The development will encompass 444km² of land, including areas within the Bui National Park. (Bui Power Authority <http://trial.buipowerauthority.com/node/67>)

deals made between chiefs and investors. It is also possible for a chief to simply sell land to the state, outside of a compulsory acquisition framework.

Legal framework for compulsory acquisition in Ghana

The Constitution of Ghana allows for compulsory acquisition of property only where there is a clearly stated interest in defense, public safety, public morality, public health, and town and country planning, and requires the prompt payment of fair and adequate compensation. (Const., Art. 20 (1) and (2)). Land may not be compulsorily acquired unless the state demonstrates the necessity for the acquisition and any land so acquired must be used for the public interest or for the public purpose for which it was acquired. (Id.) The Constitution also grants the property owner or interest holder the right to access the High Court for a determination of the amount of compensation to which he or she is entitled, and requires resettlement of any displaced inhabitants. (Id.)

The State Lands Act 1962 (Act 125) is the primary instrument used to facilitate land acquisitions by the State. The Act requires that a notice of acquisition be served on persons with an interest in the land to be acquired, occupiers of the land, and the traditional authority in the area; and that the notice be affixed to the land and published in the local newspaper. (State Lands Act, Sec. 2). The Act does not require that the notice contain any particulars other than to identify the land being acquired. Persons with an interest in the land can submit claims for compensation but must do so within three months of publication of the notice, and compensation may be awarded in the form of the market value, the replacement value, the disturbance cost, or land of

ii. Key issues

Process

The processes for site selection, preliminary investigation, and land acquisition lack transparency, and do not provide meaningful notice to affected individuals or opportunity for public participation or comment. Although the legal framework for compulsory acquisitions provides for procedural safeguards, they are not implemented in practice in the Northern Region according to land sector officials, chiefs and community members. In one contemporary example, the state has not yet provided official notice to the residents who will be displaced from homes and farms in the area planned for the new Tamale international airport. Local farmers first discovered that plans were afoot when they saw survey machines near their land one day nearly a year ago. Since that time there have been some radio announcements about the plans, sub-chiefs have been informed according to the Acting Regional Lands Commission Officer, and a prominent sign has been erected near the existing airport advertising the planned new structure. Despite these measures, interviewees claim that communities have yet to receive any official notice of current plans (which have changed multiple times), let alone the chance for consultation or input.

Claims

To submit a claim, an affected person must write to the Lands Commission describing the location and value of their land. According to those interviewed the claims process for compulsory acquisition lacks transparency, is unknown to most smallholder farmers, and begins too late in the acquisition process. Claims are not well recorded, leading to confusion by the state about who has already applied for, and received, compensation. The claims process includes safeguards that, although well intended, are essentially illusory for the rural poor. For example, those submitting claims are entitled to reimbursement by the state in many cases for professional fees to lawyers that may be required to assemble and submit claims information. However, rural villagers (and particularly women) seldom have access to lawyers or other professionals, rarely know about their right to receive compensation for fees, are unable to front the money to cover the fees and, even if they could, are unwilling to risk that the state will fail to reimburse them for these fees in a timely manner (if at all). The process for appealing claims is not widely known, and is believed to be slow and expensive, making it impractical.

Valuation

The state must pay smallholder farmers for the value of their crops, but not of their land rights, since allodial title to the land vests with the chiefs. While investigation into the valuation methodology for lands, as payable from the state to the chiefs, is beyond the scope of this report, chiefs noted that amounts the state had paid for lands acquired in the past were often nominal. For example, the Bole paramount chief argued that the amount of money paid by the state for the cocoa research institute in 1972 was “peanuts,” and that local people who lost land through the acquisition should be allowed to re-occupy it.¹⁶ However, as applied to land users, the valuation methods (as reportedly applied) fall far short because they exclude the value of the lost land rights, and also compensate for lost crops at an extremely low rate that does not take into account their true value over time. For example, land sector officials in Tamale reported that mature mango trees are valued at only 18 GHC--a fraction of their productive value to the farmer over time. Perhaps most importantly, the fact that the same entity (Lands Commission) controls both the valuation and acquisition functions for the state creates a presumption of conflict of interest.

Compensation

There is no legal requirement in Ghana for compensation to be paid prior to occupation (considered an international best practice), but rather the state may assume title to the land upon publication of the official notice of acquisition (see State Lands Act, 1962 (Act 125), section 1). All other rights to the land extinguish at this point, even though the government has yet to issue compensation. Furthermore, values to the land, crops, improvement, and other compensable factors are determined as of the date of notice publication—an important point because values may rise significantly over time, especially when compensation is not paid for a number of years.

¹⁶ Determining the terms of the original acquisition required an intensive investigation by the Bole CLS director, who eventually tracked down files on the deal in Accra.

Claims and valuation practices for compensation have disadvantaged smallholder farmers in the context of compulsory acquisition. Usually only the chief receives compensation for the value of the land, as the allodial title holder, while land users receive only the value of their lost crops. Compensation received by the chiefs often does not trickle down to the displaced people, nor does chief always provide new land to displaced people. Even where the state has agreed to compensate people for losses, delays are formidable. For example, in the case of the Bui dam, which displaced many fishers and farmers in Bamboi district, people have been resettled but have not received the monetary compensation promised to them by the state (displacement occurred in 2002). In an older case, the state displaced approximately ten communities in Damongo district when it created the Mole game reserve in the 1950s. Chiefs were not consulted, and compensation received by the chiefs reportedly never reached those displaced.

Encroachment

Encroachment on state-acquired lands occurs with frequency in the Northern Region, according to land sector officials and customary authorities.¹⁷ Chiefs are often involved, either in implicitly granting permission for their subjects to occupy, or in explicitly allocating the state-owned parcels to them for occupation. When encroachment occurs, the state may choose to forcibly evict occupiers and/or to destroy their homes or crops, or it may choose to recognize the occupiers' rights to the land. However, when rights are recognized, people who have already paid "kola" (market price) to a chief for usufructuary rights to a plot often resent any further payment to the state for regularization, seeing this as a double payment.

In Tamale, the city acquired land from the chief for a cemetery, including enough land for future expansion. Local residents began to occupy and build homes on the site, and after a certain point the city decided to allow this occupation of one portion of the land, building a barrier to keep people from encroaching on the other portion. However, residents have since built on both sides of the barrier, and the city is now faced with the decision of whether to demolish the homes and structures people have built and, if so, whether they should compensate people for these structures.

Also in Tamale, new chiefs were not part of an original deal granting a large area of land to the military. The land has increased in value since the deal was made, and current chiefs now want authority to allocate apparently unused portions of it for residential development. In addition, many families moved onto the vacant plots of land and put up structures, which could potentially lead to valid rights based on adverse possession. However, as the unused land is now desired for a planned airport expansion, the government refused to return the land, destroyed the structures, and evicted the people who had encroached.

¹⁷ In the Tamale validation workshop (Oct. 2013) it was noted that the 1979 de-vesting of land in the Northern Region created confusion which has fuelled widespread encroachment (see #6). Many customary land users reportedly believed that the de-vesting applied to all land taken by the government, including land acquired via compulsory acquisition, leading to encroachment on that land.

In Damongo, the district assembly reported that people often encroach on government lands that are not well demarcated or properly registered. For instance, a local school brought a complaint against encroachers to the district assembly, but the encroachers were able to produce documents showing that local sub-chiefs had allocated the land to them. The district assembly worked with the paramount chief to negotiate a settlement, whereby they decided to leave the houses rather than to demolish them.

Factors fueling encroachment include: (1) decreasing availability of land within peri-urban communities; (2) perceptions within the customary system that the state has taken more land than it needed, and for insufficient (or no) compensation; (3) poor record keeping/registration records of lands acquired by public institutions; and (4) lack of consistent monitoring of land areas under its control, and enforcement of its rights vis-à-vis encroachers. According to the land sector officials in Damongo and other districts, one of the primary problems is that state institutions often don't properly register their acquisitions, leading to confusion over time. In fact, state agencies in the Northern Region do not have any kind of comprehensive data on or mapping of state-acquired lands, let alone what compensation was paid for the land and to whom. This issue intensifies when there is a succession of chiefs, due to the possible loss of information and memory within the customary system about lands the prior chief allocated.

According to a member of the District Assembly's planning committee for Tamale, the committee is currently trying to inventory government lands, with the aim of creating formal documentation and records for all public holdings. He also said that the TCPD regional director has written letters to district assemblies throughout the country urging them to use proper procedures and documentation when acquiring land. Otherwise the district assemblies' land holdings can be subject to interests of customary authorities and other state agencies, such as the Lands Commission.

In Savelugu, the paramount chief is negotiating with land sector agencies to take back lands the state acquired some time ago for a veterinary research campus. To the chief and other community residents, it appears that the state does not need all the land it has acquired. As the commercial value of this land has significantly increased in recent years, the chief would now like some portion of the land back in order to allocate it out for residential development.

Misunderstanding about the nature of the divestment of skin lands in the Northern Region

In 1979, the national government de-vested skin land in the Northern Region, returning it back to the full jurisdiction of customary authorities. This de-vestment did not affect publicly held lands that had been acquired through compulsory acquisition. However, there seems to be continued confusion on this point by some of the customary authorities, who believe that the de-vestment included (or should have included) at least some of the public lands acquired compulsorily in the past. This misunderstanding may contribute to the considerable tension expressed by customary authorities in regard to perceived over-reach by the state in terms of past takings and current state holdings.

iii. Recommendations

Policy, law, and regulations:

Formal system

- Consider including provisions in the draft Land Bill that: (1) narrowly define “public interest” or “public purpose,” excluding from this definition the possibility of using compulsory acquisition for direct private/commercial gain; and (2) establish procedural safeguards for all who have an interest in land considered for acquisition (including requirements for notice, opportunities for public commentary and to appeal the decision to acquire on the merits (e.g., on whether there is sufficient public interest), opportunity to appeal the compensation amount, and a requirement that the government pay compensation prior to occupation of the land). *(Parliament; LC)*
- Conduct a review of existing laws and regulations related to compulsory acquisition and revise to ensure their consistency with the Constitution, each other, and international best practices. *(LC; Parliament)*
- Consider clarifying current legislative and common law rights to adverse possession/prescription in the Land Bill. *(Parliament; LC)*
- Revisit laws, policies and regulations related to compensation for compulsory acquisition, including valuation methodology and guidelines, to ensure that those harmed are indeed made whole (per constitutional requirement). This would include establishing the legal direction for payment of compensation not just to allodial title holders, but also directly to usufructary rights holders (including, and especially, women) who are affected. *(Parliament; LC)*
- Consider adopting a national resettlement policy in line with best international practices, which would apply to smallholder farmers and others on stool land who are displaced through compulsory acquisitions. *(Parliament; LC)*

Customary system

- Unless, and until, a formal law is adopted to ensure sharing of compensation between allodial rights holders and land users, adopt and publicly share a policy within each skin that compensation for land acquired compulsorily will be shared with land users (in line with chiefs’ Constitutional duties as fiduciaries obligated to discharge their functions for the benefit of their subjects). *(Customary authorities)*
- Encourage compliance with existing laws, regulations, and policies on compulsory acquisition and compensation, specifically requirements that affected land users be involved in consultations and decision-making. *(LC; CLS)*

Institutional improvements:

Formal system

- Begin immediately to implement the existing legal and regulatory procedural safeguards for any new compulsory acquisition (including notice, hearings, right to appeal compensation levels, and delivery of prompt compensation). Note: it may be necessary to conduct a short-term investigation of impediments and institutional capacity needs prior to executing on this recommendation and the next. *(LC)*
- Promptly inventory and pay all outstanding valid claims to compensation for lands taken by the government in the past (or at least in the past 15 years, to begin with). *(LC)*

- Continue and expand efforts to return governmental lands taken from stools and skins in the past, if their current use is not aligned with the originally stated purpose of the acquisition. (LC)
- Any governmental entity acquiring new land compulsorily (including district assemblies) must properly register its rights to the land with the Lands Commission. (LC)
- Continue and expand efforts to inventory and register existing rights to land acquired by government entities. (LC)
- Increase efforts to communicate on a regular basis with the customary authorities on issues regarding public lands, the concerns of chiefs, etc. (LC)

Customary system, with focus on CLSs

- Help to inform residents of their existing legal rights regarding compulsory acquisition. (CLS; LC)
- Work with land sector agencies and residents to negotiate acceptable solutions where encroachment has become a major issue. (CLS; LC)

Education and awareness efforts to target audiences:

Farmers associations, smallholder farmers at large

- Design and launch wide-scale public information and education effort on rights and responsibilities in regard to compulsory acquisition. (LC; NGOs/CSOs)

b. Large-scale land investments

i. Overview and issues

Outside of a handful of specific incidents, large-scale land acquisitions do not yet appear to have had a major effect on tenure security for smallholder farmers in the communities visited. Maximum farm acreage in most areas seems to be around 100 acres; most considered farms upward of 20 acres to be quite large. In Damongo, for example, the largest farm is approximately 40 acres. In Gushie, there are more commercial farms than in the past, but they are limited to 40-100 acres. Likewise, Bole hosts approximately ten “large-scale” commercial farms, but they are all less than 100 acres with the exception of a recent 400-acre investment by a Canadian solar energy company.¹⁸ In Bamboi the paramount chief reported that no commercial farms currently operated in the district. Farms between 20 and 100 acres are usually operated by migrants—the team did not encounter cases of indigenes operating farms upward of 20 acres.

In most cases, smallholder farmers did not view large-scale commercial farming to be a significant factor (either positive or negative) in their tenure security, or in their employment or household income prospects. However, this perception may not be founded on objective facts and trends, as the acting Regional Lands Commission Official, Mr. Samuel Anini, reported that demand for commercial farmland was on the rise in the Northern Region, and the Lands Commission had several requests before it from chiefs for very large amounts of land (e.g., in one case for 8,500 acres). In addition, both chiefs and

¹⁸ The facts of this deal, including what the proposed uses for the land, were not entirely clear to the team. It appears that Canadian solar energy company approached both the CLS and the land state agencies. According to district government officials, the CLS allocated the land to the company without consulting with the appropriate government officials. The team noted significant tension between the CLS and state officials around the deal.

public land sector officials across the region noted that they were eager to bring large-scale commercial farming to their communities. The team did not hear of any instance where a chief had rejected a commercial farmer's request for land under his jurisdiction.

Where chiefs do find it in their interest to make land available for large-scale farm investments, it is unclear whether smallholder farmers will win or lose. This will depend on a number of factors, including opportunities for community consultation and input, the structure of the investment (e.g., plantation-style operations versus outgrower-oriented operations), employment opportunities and socio-economic benefits for the host community, the extent to which the large-scale farm will displace smallholders, and the ways in which the smallholders will be compensated for any such displacement.

The formal law does provide some limited protections for occupants of customary lands in the context of large-scale deals. The Constitution prohibits any disposition of stool/skin land without the approval of the Regional Lands Commission, although this provision did not appear to be enforced in the Northern Region. The regional commissions are tasked with reviewing all dispositions of stool/skin land and certifying that any disposition or development is consistent with the development plan for the area and/or approved by the relevant planning authority (art. 267(3)).¹⁹ See also Act 767 of 2008.²⁰

Mr. Anini told the team that the Lands Commission has authority to stop any transaction for over 1,000 acres. The rationale behind this appears to be minimizing the effect of large-scale acquisitions on local community members, but Mr. Anini indicated that the Lands Commission does not frequently exercise this authority. The Lands Commission is currently working with customary authorities to discourage very large-scale leases. Officials thus make informational/educational presentations at chiefs' meetings, including at the National and Regional House of Chiefs. They also make presentations on this subject to district assemblies, according to Anini. The Regional Lands Commission recently stopped, or at least delayed, a proposed lease of 8,500 acres for mixed cropping and processing. According to Anini, the Regional Lands Commission sought additional information from the relevant customary authorities on the purpose of the transaction and effects on communities. When the chiefs could not provide answers, the Regional Lands Commission sought advice from the National Lands Commission and then strove to raise the chief's awareness about possible negative impacts to his own people, suggesting that he reduce the size of the lease and demand evidence from the investor about why he/she required the total amount of land requested. The case has not yet been resolved.

The Land Commission's recently drafted guidelines for large-scale land acquisitions, if adopted, would provide clearer procedural processes for large land leases.

¹⁹ Another important constitutional provision pertains to resettlement. According to article 20(3), the Constitution provides that a person affected by compulsory acquisition must be resettled on suitable alternative land, with suitability being determined based on the person's economic, social, and cultural circumstances. According to Anini, this would require allocation of new land for farming. The investor should pay for the resettlement and any costs related to compulsory acquisition (if it is used to acquire land for the transaction).

²⁰ According to Dr. John Bugri, the Land Commission's constitutional authority to reject lease applications applies only to stool/skin land and public land, but does not extend to family lands. Thus, the Supreme Court ruled against the Lands Commission in a case where it had rejected a lease application to a commercial farmer on family land (on the grounds that it would harm existing residents of the land).

Draft guidelines on large-scale land transactions

The Government of Ghana (GoG) has recognized that large-scale agricultural investments pose challenges and potential threats to traditional communities. In order to protect the interests of local communities and to promote transparent and sustainable development and investment policies, the GoG has drafted *Guidelines for Considering Large-Scale Land Transactions for Agriculture and Other Purposes*. The Guidelines cover considerations and recommendations for the land acquisition process including:

- Hearings and consultations with the local community;
- Dissemination of information to stakeholders and the public;
- The process for the Regional Lands Officer to review the proposed transaction;
- Environmental impact assessment;
- Requirement that transactions exceeding 1,000 acres be reviewed by the National Land Commission; and
- Legal requirements related to the terms of years and land size that may be granted.

The team noted limited apparent awareness of guidelines among land sector officials in the Northern Region. However, Lands Commission officials are, in at least some cases, working with the chiefs in regard to larger scale land acquisitions, seeking to educate them on the disadvantages of allocating large areas of land.

Additional safeguards pertaining to large-scale investment seem to exist within the customary system. In Damongo, for example, the paramount chief told the team that a sub-chief would be required to seek approval from the paramountcy prior to allocating land upward of 100 acres. If the allocation is for upward of 1,000 acres, the paramount chief would need approval from the overlord. For farms over 100 acres, the paramount chief would grant a lease for a maximum of five years, which could be renewed subject to the lessee's good behavior (e.g., paying tributes, not creating nuisances, participating—with requisite gifts—in the festivals, and not giving or selling the land to another user). However, these safeguards had yet to be applied, as the chief said no commercial farms had operated within the paramountcy since he became the chief. In Gushie, the paramount chief told the team that the paramount would not allocate any parcel greater than 100 acres for commercial farming. And in Gulkpegu, the CLS is helping the paramount chief and land sector officials (from both the Lands Commission and OASL) to ensure that larger-scale lessees are actually using their leased-in land for its intended productive purpose (and paying annual tributes to the chief).

ii. Two models for large-scale land investments in the Northern Region

Two contrasting examples of large-scale land investments in the communities visited were the Solar Harvest Biofuel's jatropha plantation in Kpachaa, and Integrated Tamale Fruit Company's (ITFC) organic mango farms in Gushie.

Solar Harvest Biofuels: Jatropha plantation

In the Solar Harvest Biofuels case, the company negotiated with the chiefs²¹ in 2008 to lease 10,600 hectares—some of which was under production by small farmers—to plant jatropha. Kpachaa was one of six villages directly affected by the investment. Many farmers were not aware of the deal until the company showed up in their fields with tractors and began plowing their land. Those interviewed described the transaction as “shrouded in secrecy.” They have no idea how much the company paid to the chiefs for the land, and did not understand whether the land had been leased or sold. (The division chief subsequently told the village chief the land was initially leased for five years, but could go longer.)

The company organized a meeting in Tamale, after the transaction had been completed and the operations were underway. At the meeting, the company said that a community committee would work with the company to represent the villages and coordinate activities with the company. The committee was comprised of representatives from each of the affected villages--the chair of the committee was the son of the divisional chief who had allegedly allocated the land to the company. The committee initially met monthly, but meetings slowed down, then ceased altogether.

A number of farmers, both indigenes and migrants, were displaced (after the harvest season). They were not compensated, but rather forced to find land elsewhere in the community, which was less fertile and at farther distance from the small village. Sun Harvest Biofuels received the community’s most fertile land.

Most of the farmers interviewed opposed the company’s presence in their village, but had no way to contest the decision to grant the lease. They said it would not have been fruitful to have taken the issue to the overlord.

The company promised the community certain benefits, such as a new water dam, a village dump, a grinding mill, a new school, a shea butter processing facility for women, and a health clinic. It did build the new water dam and the dump, and it provided a grinding mill, but farmers said that the price for grinding was very high. The company did not deliver on the school, clinic, or shea butter facility. (However, the government has since built an elementary school.)

Originally, the company did provide some jobs to the community. At the height of operations, the company hired 400 employees, 97 of whom were from the community. However, the company now appears to have closed down its operations, and people have heard that it is on the verge of collapse. It still employs several guards from the community to protect the remaining equipment and guard against encroachment. None-the-less, several local smallholder farmers have begun to move back onto the land and farm there. They say that the village chief has allocated them this land, with the understanding that they may be kicked off it at any time by the company.

According to regional MoFA officials, Sun Harvest Biofuels is one of several biofuel investments to fail in the Northern Region. These investments have caused long-term damage to the land in some cases, they

²¹ Exactly which chiefs (sub-division, division, paramount, overlord) were involved in these negotiations—or even aware of them—is disputed.

said, because they strip topsoil off large areas of land in order to create optimum growing conditions for biofuel crops (which grow best in well-drained soil).

ITFC: Organic mango farm based on outgrower model

Using a much different model than Solar Harvest Ltd., ITFC has focused on outgrower farmers to produce organic mangos. According to MoFA officials, the key to ITFC's success has been its transparency with smallholder farmers, and the presence of a very strong farmers' association, the organic mango outgrowers association (OMOA) that give smallholders relatively strong bargaining power with the company. ITFC's outgrower model has very different implications for smallholder tenure security than does Solar Harvest Biofuel's plantation model. While it is not yet clear whether ITFC's net impact on smallholder farmers is positive or negative, the company's approach appears to hold much more promise for local farmers and communities.

ITFC: large-scale investment based on an outgrower model (sources: meeting of outgrower farmers in Gushie, and James Amalago, ITFC Deputy General Manager)

When ITFC first came to the area, the chief allocated it 100 acres for processing facilities and residential housing for the staff. ITFC made certain commitments at that time, all of which were documented in writing. These included provision of electricity and water, as well as teacher housing and student meals for the community's schools. Based on these commitments, the chief reduced the lease price "way below market."

The company requires outgrowers to clear their own parcels of land, which must be a minimum of one acre in size. Outgrowers must pay a commitment fee of one bag of maize to register. In return they get an in-kind loan comprised of poly tanks for water, a pick ax, a shovel, an ax, two buckets, a rake, and 100 seedlings. Any farmer who could meet these conditions could participate. The company asked them to form groups of five. (Note that in the beginning the company arranged farmers into groups, but realized that this did not work, and has had much more success allowing farmers to organize their own groups, which are based on family ties.)

The seedlings begin bearing fruit in three to four years, and the farmers do not have to repay the loan until then. At that point they must give 30% of their net earnings each year to pay back their debt. The price-per-kilo paid by the company is the international price, which is confirmed by the farmers' association. To determine net earnings, the company deducts certain costs from the international price for cleaning, packing, transporting, and providing extension services.

The group interviewed (all men, most of whom had been outgrowers for 11 years) said that they were generally pleased with their participation as outgrowers, as they could clear approximately 1,000 GHC per acre, even after all of the pricing deductions noted above. This was double what they could make for other crops.

However they did express several concerns:

- (1) Yields have been decreasing—possibly because the soil is not right for mangos and/or because it is losing fertility over time. This has caused some farmers—especially women—to drop out of the program. Also, the fact that it takes three years for seedlings to reach maturity is hard for some

farmers. (Although others told the team that they could inter-crop the seedlings with food crops, so as not to lose production in the start-up years.)

- (2) The company made people cut down shea trees on their land to plant the mango seedlings, since the seedlings could not grow in the shade. This was a major loss to the men's wives, as the shea trees were a significant income source to them. (Also, shea trees cannot be transplanted, so the loss is perceived as permanent.) The men said that this was the wrong thing to do, but that it was necessary so that they could take advantage of the outgrower opportunity. In their view, the community benefits (e.g., support for the schools, including some scholarships) have outweighed losses to the community of cutting down the shea trees.
- (3) The company has made good on its commitment to the schools, but it has not delivered electricity and water to the community. It has developed the supply of both, but utilizes it entirely for farm facilities and staff housing.

iii. Recommendations

Policy, law, and regulations:

Formal system

- Formally adopt the Lands Commission's draft guidelines for large-scale land acquisitions. Consultation with local stakeholders for feedback on the guidelines is highly recommended prior to their final adoption. *(LC)*
- Consider including protections in Land Bill for usufructuary rights holders on stool/skin lands vis-à-vis the authority of allodial rights holders to transact the land. These could be both procedural (e.g., requirement to provide notice) and also substantive (e.g., requirement to provide compensation, and/or prohibition of certain kinds of transactions). *(Parliament; LC)*
- Consider adopting a national resettlement policy in line with best international practices, which would apply to smallholder farmers (and others) on stool land who are displaced from either their homes or farmland by large-scale land investments. *(LC; Parliament)*
- Explore, and possibly adopt, international or continent-wide best practices on valuing customary lands for commercial transactions. *(LC)*

Customary system

- Encourage adherence to the guidelines for large-scale land acquisitions by local and higher level chiefs. *(LC)*
- Adopt policies within each skin that would provide procedural and substantive protections to smallholder farmers and other usufructuary rights holders vis-à-vis large-scale commercial farms. *(Customary authorities; LC)*
- Adopt policies on benefits sharing for investment revenues, as between the allodial rights holder and usufructuary rights holders. *(Customary authorities; LC)*
- Adopt policies within each skin encouraging land investments based on an outgrower farmer model (whereby smallholder farmers produce for the farm using their own land), rather than a plantation model (whereby smallholder farmers are displaced from their land by the farm). *(Customary Authorities; CLS; LC)*
- Explore possibilities within each skin for a more transparent and participatory approach to decision-making on large-scale farm investments, moving toward a requirement for Free, Prior

and Informed Consent (FPIC) of the affected community. (An example of increased transparency would be to publicly vet the business plan for any proposed investment during the decision-making process, and to offer a forum for comments and questions.) (LC; CLS)

Institutional improvements:

Formal system

- Continue Lands Commission review of all lease applications for skin land for over 1,000 acres. (LC)
- Lands Commission should continue educating chiefs on the importance of scrutinizing requests for large amounts of land. (LC)
- Explore the possibility of establishing a unit within the Lands Commission or other land sector agency (or independently) that would provide technical assistance to customary authorities in reviewing business plans of any company requesting a large-scale, long-term lease, and also in monitoring the company's performance over time. This unit could also help to ensure compliance with commitments made by the investor to the community at the outset. (LC; OASL)

Customary system, with focus on CLSs

- CLSs could collaborate with the land sector agencies to monitor large-scale leases, for example, ensuring that they continue in productive operation per lease terms and the law. Efforts of the Gulkpegu CLS to this end could be explored as a possible model for this. (CLS; LC; OASL)

Education and awareness efforts to target audiences:

Land sector agencies

- Provide information on the high productivity potential of small farms relative to large commercial farms. (MoFA; LC)

Customary system

- Foster discussions among customary leaders on the effects of large-scale land investments and their impact on diverse stakeholders within the community. (LC; OASL)
- Foster discussions among customary leaders on the different types of large-scale land investments, including the difference between plantation and outgrower-style farming. (LC; OASL)
- Provide information on the high productivity potential of small farms relative to large commercial farms. (MoFA)

Farmers associations, smallholder farmers at large

- Provide information to smallholders and other community members on their rights vis-a-vis large-scale investments in their community. Encourage outgrower farmers to form farmers' associations. Encourage community meetings to discuss any proposed large-scale land investment. (NGOs/CSOs; L-PAN)

VI. Land Governance Institutions: Issues and Relationships

This section summarizes some of the primary successes and constraints within land sector governance institutions in the Northern Region. It is based on input received during the trip, and is therefore limited to raising issues observed in that context; a more comprehensive institutional mapping exercise could be the subject of further research.

a. CLSs/customary authorities

i. Policy functions

The functions of Customary Land Secretariats, as envisioned under the LAP include:²²

- (1) Provision of information about the land owning community to the public.
- (2) Provision of land information to the public-- ownership, rights, use, etc.
- (3) Keeping and maintaining accurate and up-to-date land records.
- (4) Keeping records of all fees and charges associated with land grants.
- (5) Liaising with Plot Allocation and Town Development Committees to ensure that development conforms to planning schemes/layouts, or as agreed by the Community at the local level.
- (6) Receiving all correspondence on behalf of the Land Management Committee.
- (7) Serving as the link between the land owning community and the public sector land agencies, District/Municipal/Metropolitan Assemblies, Environmental Protection Agency, etc.
- (8) Serving as the link between an applicant and the Land Management Committee.
- (9) Preparing accounts of all income and expenditure.
- (10) Preparing periodic reports on all activities of the Secretariat.
- (11) Promote alternative dispute resolution (ADR) and keep records on land-related disputes settled at the local level through ADR.

²² Mark Kakraba-Ampeh, Administration of rural lands – Customary Land Secretariats as local structures for effective rural land administration in Ghana (presentation for World Bank, ND).
siteresources.worldbank.org/RPDLPROGRAM/.../Rural-Ghana.doc.

ii. Benefits and successes

The CLSs have achieved a number of successes. As noted above, they have begun to establish institutional capacity for recording land rights, although such efforts are currently limited to residential and commercial plots rather than farmland. The CLSs have played a very important role in organizing customary land records within the paramountcies, helping to create much more functional information management systems. This, in turn, has led to a notable reduction in the double-allocation of land plots in at least three of the four CLS areas visited.

Also, the CLSs have been effective in many cases in bridging the institutional gap between the public land sector agencies and the customary authorities. Thus, the CLS staff members have facilitated collaboration with land state actors (TCPD and district assemblies) in developing land use planning schemes and have helped people to prepare documentation needed to apply for a Lands Commission lease. CLS staff members serve as the paramount chief's representatives on the district assembly's statutory land management committee, and CLS staff has sometimes worked with officials within OASL and the Lands Commission to monitor large-scale investments (ensuring that they continue in active production per the lease terms).

CLSs have also been instrumental in dispute resolution in some cases, primarily those involving the double-allocation of residential plots among community members.

iii. Issues and constraints

Human and technical capacity

The CLSs face a number of constraints. Each of the CLSs reported that they are short-staffed and the staff they do have needs additional training, particularly on financial management. Among the four CLSs visited, none have a woman employee outside of typist/secretary roles; there are no women CLS officers.

Relationship to chieftaincy

Other personnel issues arise from the fact that CLS directors in the Northern Region have close kinship relationships with the respective paramount chief. Directors are therefore not often well trained or educated in land sector administration. It also means that the director only lasts as long as the chief is in power; if there is a succession in chiefs, the new chief will replace the director. This creates a significant degree of job insecurity for CLS directors, and also impedes the development of expertise in the director's role over the long-term. The close kinship ties can also create conflicts of interest and tension with land sector agencies and community members, as appears to have been the case in Bole, where a new paramount chief has demanded a rendering of financial accounts and activities from the existing CLS director (who was the son of the former chief).

Unsustainable financial model

The CLSs in the Northern Region do not appear to have a sustainable financial model. They are generally keeping some percentage (e.g., 25-30%) of the revenues from recording fees. But it does not appear that this is sufficient to cover expenses, nor is it clear whether there are other sources for CLS revenue. As a result, CLSs are not able to purchase the assets they need to operate effectively, such as computers and vehicles. They are also unable to advertise their services or provide public information and education on issues involving land rights, recording, and registration, etc.

Lack of clear understanding of role and responsibilities

On a related point, many smallholders within the communities visited did not appear to know what the CLS was or what services it offered. This could be due to insufficient advertising efforts by the CLSs, and/or because the CLSs have not yet focused on recording farmland. Women in particular seemed to have very limited information about the CLSs.

Insufficient public awareness of CLS

CLSs' efforts around recording land use rights have not reached smallholder farmland, and have not reached women in most cases. These are significant constraints to the CLS recordation model as currently practiced, and raise the question of whether the CLSs' efforts to record land are actually assisting—or rather threatening—customary land rights held by smallholder farmers, and especially by women.

Lack of transparent fee structure

The CLSs do seem to be advertising and levying specific fees for their services, reflecting some degree of transparency vis-à-vis clients. However these fees (for house plots) are quite high relative to smallholder farmers' incomes and the CLSs do not yet appear to have worked out a reasonable fee model for farmland.

In some communities, land sector officials and farmers' groups expressed concern over the CLSs' reach and authority. In Bole, for example, land sector officials perceived that the CLS had overstepped its bounds in a number of land governance functions that should fall within the authority of the district assembly and the TCPD, including creating land use planning schemes. The officials noted, however, that they had not had a TCPD representative in Bole until quite recently, and so had lacked the capacity to do the schemes themselves. Also in Bole, some community members expressed concern that the CLSs were actually "selling" land, rather than helping to coordinate the allocation and recording of land use rights.

iv. Recommendations

- Build off successes and best practices to enhance CLS capacity in the Northern Region. Models could be developed for a number of issues (including recording land rights of smallholder farmers and especially of women; collaborating with land sector agencies on land use schemes; reducing fees; alternative dispute resolution; public information and education on compulsory

acquisition; and outreach on gender issues), and could be based on best practices from CLSs either within or outside of the Northern Region. (CLS; OASL; NGOs/CSOs)

- Use the Node’s CLS baseline survey to map out the CLSs’ resources and constraints; use this to move forward with recommendations for addressing constraints. (L-PAN)
- Launch an intensive effort among the Northern Region CLSs to record farmland rights for smallholders, and women’s land rights (these will in some, but not all, cases overlap). Consider ceasing any and all recording efforts for residential and commercial plots unless and until the CLSs undertake the recording of rights for smallholders and women. (CLS; OASL; Customary authorities; NGOs/CSOs).
- Foster discussion among chiefs about the benefits of appointing CLS staff (and particularly the director) based not on kinship ties, but on technical expertise and capacity. (CLS; Customary authorities, incl. National House of Chiefs; NGOs/CSOs)
- In addition to, or instead of, the recommendation above, consider a staffing model for CLSs that utilizes a lead permanent technical staff person to advise the “politically” appointed director. (OASL; CLS)
- Develop financial sustainability and accountability models for use by CLSs. (OASL; CLS)
- Advocate for legal recognition of the CLSs as an institution—review provisions in the draft Land Bill formalizing the CLSs. The authors make this recommendation contingent on the ability of the CLSs to begin to record farmland rights and women’s rights on a significant scale. (Parliament; CLS; OASL).

b. Land sector agencies

i. Overview of issues

The primary concern expressed by all land sector agencies interviewed by the team was a lack of capacity to execute their primary land governance functions. Regional and district officials noted that it is difficult to attract land sector professionals to the Northern Region, given its remoteness. Almost no women work in a professional capacity in the public land sector, save for those employed as gender desk officers and in secretarial roles. (Within the Lands Commission’s regional operations, which employ 63 people, only one technical officer is a woman.) Officials attributed this in large part to the fact that few women choose an educational path that would prepare them for work in the sector. Land sector agencies lack physical assets as well, such as computers and vehicles. Given the shortage of staff and vehicles, officials are not able to implement some of their key job functions, including monitoring and enforcement of land use planning schemes, land leases, and government-owned land (e.g., preventing illegal encroachment).

Many stakeholders also noted concerns regarding transparency of operations and transactions among land sector agencies. For example, the team heard reports about customary authorities making deals with district land sector officials to override land use planning schemes in order to allocate specific pieces of land for particular purposes.

Also, land administration procedures appear to be heavily bureaucratic, with fee structures lacking transparency. CLSs report, for example, that the Lands Commission is unwilling or unable to provide an estimated price for registering a particular lease, given the many different procedural steps required

(and the fact that many of these require separate fees). Others noted lengthy time periods for transactions, and expectations that the applicant would pay informal amounts along the way.

Customary authorities conveyed frustration around compulsory acquisition, as discussed above, especially in regard to large areas of land taken in the past that the government does not appear to be using now. In Gulkpegu, for example, the paramount chief told the team that the takings were both excessive in size and that the government usually sold off the excess rather than return it to the customary authorities. When pushed, government agencies find it difficult to locate the necessary documentation proving the government's right to the land, amount of compensation it paid in the past, etc.

One further complaint by customary authorities vis-à-vis the land sector agencies relates to the ground rent revenues collected and distributed by OASL. Both the district assemblies and the paramount chiefs say that they don't receive their allotted portion of the OASL revenues. (In Damongo, for example, the district assembly coordinating director said the most money they'd received in four years was 55 cedis.) Both district assembly officials and chiefs say that to receive the revenues, they have to go to Tamale (or Accra) to track it down with the regional or national OASL office. It is unclear how much of this issue is due to difficulties by OASL in collecting the ground rents in the first place. From the perspective of regional OASL officers in Tamale, it is sometimes difficult to disperse the revenues to customary authorities when there is conflict over succession to the chieftaincy.

More generally, customary authorities and district level land sector agencies voiced concern that they were not adequately informed of, and involved in, policy conversations and decisions at the national level. They didn't feel like they had an adequate chance to provide input to draft legislation pertaining to the land sector, for example.

Land sector agencies and customary authorities appear to have positive working relationships in some areas, such as in developing land use planning schemes. As discussed in the text box on land use planning in the Recognizing/Recording section earlier in the report, examining land use planning in more detail provides a window into the potential of improved land governance in the region, as well as some of the impediments to improvement.

ii. Recommendations

- Conduct an institutional mapping exercise for land state agencies in the Northern Region which would identify agencies' respective authorities, responsibilities and resources; highlight areas of ambiguity, overlap, potential conflict, and resource gaps; and identify options for addressing these issues moving forward. (Ministry of Lands and Natural Resources (MLNR))
- Develop a strategy for increasing representation by women on land sector agencies in the Northern Region. (MGCSP; MLNR)
- Improve transparency through publicly and prominently posting information on procedures and fees required for every official transaction. (LSAs)
- Improve procedural safeguards around compulsory acquisition. (LC; Parliament)
- Provide for a public accounting of OASL revenues collected and disbursed. (OASL)

- Identify new opportunities for engaging constructively with customary officials on land issues. (LSAs; MLNR; MGCSP; NGOs/CSOs)

VII. Conclusion: Seven key issues

At the conclusion of the in-country risk assessment, the team identified seven major issue areas that have significant impact on the security of smallholders’ land rights in the Northern Region:

(1) Chiefs have vast authority over the lands; land rights security for smallholders is very low where demand for land is on the rise.

The power and authority of chiefs in the Northern Region is largely unchecked, allowing them to alienate skin lands with little resistance from smallholders or government actors. They are considered by many to be the sole owners of the land, with the power to grant and rescind use rights at will. They collect payments and tributes from many of the land users, the amount of which is left to the land user’s discretion, but with the implied threat of removal if the tribute is considered insufficient. They have ultimate decision-making authority to resolve disputes in the areas under their authority. Rights to skin land can only be documented with their approval; this was true with the issuance of allocation letters prior to the establishment of CLSs and continues to be true today, as the CLSs can only operate with the consent of the relevant chief(s).

While this degree of control does not seem to have historically been a problem for smallholders, given the relative abundance of land in the region, their rights have become highly insecure in areas where demand for land is rising. In almost every community we visited, there were at least some people who had been displaced from their farmland by the chief. While the frequency varied from community to community, with the highest number of displaced farmers in urban and peri-urban areas, people consistently claimed that it was within the chief’s rights to remove people from land without cause.

*Relationship to Snapshot Findings*²³: The conclusion related to the unchecked authority of chiefs influenced the following snapshot findings:

Issue Area	Finding
Vulnerability to Change	Land rights will rarely remain the same if they are not using the land.
Enforcement of Land Rights	Rarely feel entitled to bring claims against the chief.
Land Rights Governance	Rarely participate, or are included in, community meetings related to land.
Control over Land	Rarely decide whether to lease or sell their land.

²³ The Snapshots are intended to serve as a quick reference to the more detailed findings highlighted in this report. The Snapshots represent the general findings of the research team with respect to Land Rights Security, Land Deals, Compulsory Acquisition, and Institutional Capacity. As with any summary of complex issues, the Snapshots have limitations in that they do not account for exceptions and nuances that were encountered by the assessment team.

(2) Because demand for land is indeed rising, especially on the urban periphery, rights of smallholder farmers are in fact becoming less and less secure.

As cities grow, farmers are being displaced in escalating numbers from surrounding agricultural lands. In Kotinli and Gulkpegu, both within the Gulkpegu CLS area, farmers claimed that most of their farmland had been sold out by the chiefs for residential development. These farmers received no compensation for the land they had lost; this was expected, as interviewees explained that the land belongs to the chief and they therefore have no right to compensation for land that is not theirs. As a result, they have been forced to locate new farmland. However, the increasing scarcity of land in urban areas means farmers often have no choice but to farm in communities that are a long distance from their homes. In some cases such as in Kotinli, smallholders are now traveling more than 12 miles away from their homes to farm and, in the absence of affordable transportation, sleeping in their fields during most of the farming season.

Increasing land scarcity has also changed farming practices in the Northern Region. Shifting cultivation practices are becoming more stationary, but since many smallholders cannot afford the inputs needed to sustain stationary farming, the soil fertility is declining. Even if farmers can afford inputs, they are unlikely to make investments on land that could be taken from them at any moment. As a result, farmers are producing less, often at a higher cost, due to the need for transport and additional inputs, and finding it increasingly difficult to support themselves and their families without additional sources of income.

Relationship to Snapshot Findings: The conclusion related to the rising demand for land in the urban periphery influenced the following snapshot findings:

Issue Area	Finding
Recognition of Rights Vulnerability to Change	Peri-urban land rights are rarely recorded. Land rights will rarely remain the same if farmers are not using the land.
Security of Land Rights for Long and Defined Periods	Peri-urban farmers rarely believe that contracts/agreements for farmland will be secure for a long and defined period.
Adequate Access to Land	Peri-urban famers rarely believe that they can access more land if they need it.
Control over Land	Peri-urban farmers rarely decide whether to lease or sell their land.

(3) Women are among the most vulnerable in terms of land rights and access in areas where demand for land is rising.

Women’s land rights in the Northern Region are generally secondary to the rights of men. Although they face the same vulnerabilities as men when it comes to chiefs displacing people from their farmland, women face additional barriers to land access and greater challenges in maintaining access due to their subordinate status within the community and their households.

Women in the Northern Region gain access to land through men and will often lose access if they do not maintain good relationships with those men. This is because women are expected to farm on their family’s land only until marriage, at which point they are expected to move into their husband’s house and farm on his land. At the end of the marriage, whether due to divorce or the husband’s death, women’s right to continue to access that land is called into question; in many interviews, across several communities, the main factors in determining whether the wife will continue to have rights boiled down to her age, the number of children she has, and the strength of her relationship with her in-laws. If she is expelled from her husband’s land she will often return to her natal home, where her father or brothers will traditionally take her in and provide her with some land to farm. However, as demand rises and land becomes increasingly scarce, women, particularly those in urban and peri-urban areas, have no guarantees that they will be able to access land in their natal community if they return.

Few women have recorded rights to land, although the Damongo CLS has been successful in increasing their numbers. They seldom have direct access to impartial dispute resolution, especially for disputes concerning intra-family land matters, and they have very little role in decision-making about land issues at the community level as few women hold positions of power within the community. Even when women do hold powerful positions, like the female chief of Katarga, it is unclear if they wield the same amount of power as men in similar positions.

Relationship to Snapshot Findings: The conclusion related to the vulnerability of women in terms of land rights and access in areas where demand for land is rising influenced the following snapshot findings:

Issue Area	Finding
Recognition of Rights Vulnerability to Change	Women’s land rights are rarely recorded. Women’s land rights will rarely remain the same if there are changes in their marital status.
Enforcement of Land Rights Security of Land Rights for Long and Defined Periods	Women rarely feel entitled to bring claims against the chief. Peri-urban women farmers rarely believe that contracts/agreements for farmland will be secure for a long and defined period.
Adequate Access to Land	Peri-urban women famers rarely believe that they can access more land if they need it.
Land Governance	Women rarely participate in, are included in, or are represented in community meetings on land issues.

(4) Migrants’ rights are at higher risk than those of indigenes, although they are often among the most motivated, productive farmers and could likely benefit most from knowing that their land rights were secure.

Strangers almost always have less secure land rights than indigenes; the exception to this general rule is strangers who are financially beneficial to the chiefs, such as residential developers and, in some cases, Fulani cattle herders. To gain access to land, strangers must first request permission to farm in the area by bringing the chief a token gift, or “kola”. In some cases, they can go to family heads or other landholders to request land directly. Whether the land is granted by the chief or another landholder, in the vast majority of cases, strangers are expected to give a portion of their harvest as tribute. The

maintenance of their rights is contingent on “good behavior,” with bad behavior encompassing a wide range of activities that can include stealing, fighting, declining to participate in community festivals, failing to pay “appropriate” tributes, or using up “too much” land.

Strangers are almost always excluded from community level decision-making, and have little ability to enforce their rights against indigenes who attempt to remove them from farmland. Strangers’ rights to farmland are almost never recorded, with the exception of cases where the stranger is a developer or commercial farming enterprise. Despite these challenges, in many of the areas visited by the team they are largely perceived to be among the most productive farmers; strengthening strangers’ land rights security could greatly increase their willingness to invest in their farmland, improving smallholder productivity in the region.

Relationship to Snapshot Findings: The conclusion that strangers almost always have less secure land rights than indigenes influenced the following snapshot findings:

Issue Area	Finding
Constraints on Land Rights	Compared to others in the community, strangers are asked to fulfil additional conditions to access and secure land rights.
Vulnerability to Change	Strangers’ land rights will rarely remain the same if they are not using the land.
Security of Land Rights for Long and Defined Periods	Strangers feel less secure than indigenes that contracts/agreements for farmland will be respected for a long and defined period.
Adequate Access to Land	Strangers do not usually believe that they have adequate access to more land in the community if needed.
Land Governance	Strangers rarely participate, or are included in, community meetings on land issues.

(5) Land management and administrative institutions, including the LSAs and the CLSs, lack the resources they need to effectively govern land rights.

Institutions involved in land management, such as land sector agencies and CLSs, suffer from a variety of issues, including overlapping mandates; lack of coordination between institutions; funding deficiencies; lack of qualified staff; and a lack of sufficient regulations, guidelines and policies to guide their work. Operations, transactions, and fee structures lack transparency, which has created an environment that allows for a significant amount of corruption, as well as collusion between chiefs, officials, and/or developers.

Land use planning, which could be utilized to increase tenure security for smallholders, suffers because land sector agencies lack the funding, human resources, and technical capacity to develop and implement plans. Where plans are developed, land sector agencies lack the ability to enforce them due to their limited capacity and the political implications of challenging chiefs.

Another problem is that there are very few women working with the land sector agencies in the Northern Region – the team heard that in some areas even the gender desk officer of the district assembly is male. This was attributed to a lack of qualified women willing to work in the Northern

Region, but there did not appear to be any effort on the part of the agencies to recruit more women. There were also no female CLS officers in the communities visited-- the only women employed by the CLSs in the Northern Region work as typists and secretaries.

The CLSs do not have a legal mandate for their work or a sustainable funding source. Their activities and capacity varied significantly from community to community, as did community perceptions of their role and responsibilities. Their relationship to the chieftaincy poses a problem for the sustainability and consistency of their work – the CLS coordinator changes with the ascension of each new chief, impeding institutional growth and development. There is also an issue with qualifications, as CLS coordinators are often chosen based on their kinship to the chief rather than their abilities.

Relationship to Snapshot Findings: The conclusion that land management and administrative institutions, including the LSAs and the CLSs, lack the resources they need to effectively govern land rights influenced the following snapshot findings:

Issue Area	Finding
State Land Sector Agencies	LSAs lack the resources and capacity to fulfill their responsibilities to protect smallholders’ rights to land. They also do not have adequate representation of women as members.
Customary Authorities	CLSs lack sufficient legal mandate, financial resources, and technical capacity to fulfil their responsibilities and protect rights to land. CLSs lack sufficient representation of women.

(6) Compulsory acquisition processes by the state have, in practice, provided few safeguards for smallholder farmers, undercutting their land rights security.

Issues pertaining to the compulsory acquisition of skin land in the Northern Region were brought up frequently during the in-country assessment. Although the team heard that the Lands Commission has safeguards in place to protect smallholders whose land will be taken under compulsory acquisition, in practice the acquisition process appeared to provide little security for smallholders.

Smallholders are often the last to know about acquisitions. As an example, many of the farmers in the proposed Tamale airport expansion area have yet to receive official notice of the acquisition of that land. Smallholders frequently learn of acquisitions by finding surveyors and equipment on their land, and are thus rarely given the opportunity to provide meaningful input prior to the finalization of acquisition plans.

Once land has been acquired, smallholders face serious barriers in claiming compensation for their losses. The process for filing a claim is both financially inaccessible and unknown to most smallholders, as is the process for appeal when claims are denied. Even when farmers are found to be entitled to compensation, it may be only for the value of their crops and not for the loss of the land itself, or for other costs related to displacement. Crops are assigned low values that fail to take into account their

productive value over time-- according to some Lands Commission staff, a mango tree is valued at just 18 GHC. Even this minimal compensation often takes years to reach smallholders.

As a result of increasing land scarcity and a general, seemingly accurate, perception that the state often acquires more land than it actually needs, encroachment on state lands is a growing issue. Some encroachment comes as a result of smallholders claiming unused state lands on their own, but the chiefs are often involved in some fashion-- some chiefs give their implicit permission to community members to farm on state land, while others actually allocate that land to smallholders themselves. Even when the state concedes the land to informal occupants, they must then pay fees to the state to formalize their holdings. This can be a considerable financial burden to smallholders who have already paid "kola" to the chief for the land; some perceive this as unfair, and are unwilling or unable to pay. The result is even greater land tenure insecurity for smallholders, who may be evicted by the state, without any compensation, at any moment.

Relationship to Snapshot Findings: The conclusion that the compulsory acquisition processes by the state have, in practice, provided few safeguards for smallholder farmers, undercutting their land rights security influenced the following snapshot findings:

Issue Area	Finding
Notification and Access to Information	Smallholder farmers rarely receive accurate, adequate and timely information related to the acquisition.
Consultation and Decision-Making	Smallholder farmers are rarely consulted or participate in the decision-making process.
Compensation	Smallholder farmers rarely believe that they receive adequate compensation for their losses.
Resettlement	Smallholder farmers rarely receive adequate assistance in resettlement.
Dispute Resolution	Smallholder farmers rarely know, or are satisfied with, the dispute resolution process.

(7) Efforts to record and register land rights hold promise for improving land rights security for smallholders in the future, but may actually undermine the security of smallholders’ current (unrecorded) land rights.

Although the CLSs’ efforts to record land rights could significantly improve smallholders’ security if steps are taken to ensure their ability to participate in recordation, they also have the potential to undermine smallholders’ existing rights, as demonstrated by the residential expansion in the Gulkpegu CLS area.

The CLSs have focused primarily on recording residential rights, likely due to a combination of limited capacity and the more complicated nature of farmland documentation. While having their rights to house plots recorded would give smallholders a greater level of tenure security over that land, in reality they are much less likely to be able to afford the price of acquiring and recording a plot with the CLS than migrants looking to build new houses. This is particularly true in urban and peri-urban settings, where increased demand for land has reportedly driven the price of plots as high as 2,000-3,000 GHC. As a result of the high prices for land, chiefs are more willing to sell out large amounts of skin land and

displace smallholder farmers who cannot pay them for the use. Meanwhile, new settlers can arrive, pay the chief for a plot, and pay to have it recorded with the CLS, and they will subsequently have stronger rights than families that have farmed on the land for generations. Without mechanisms in place to protect current occupants/users of farmland and ensure that their existing rights are recorded, the efforts of the CLS to record new rights can actually increase the land tenure insecurity of current smallholders.

Relationship to Snapshot Findings: Not applicable.

APPENDIX 1: Snapshots

KEY	Usually or Most Often	Sometimes	Not Usually	Rarely	Not Applicable	Note on Methodology			
						The Snapshots below are intended to serve as a quick reference to the more detailed findings highlighted in the attached Land Tenure Risk Assessment Report for the Northern Region of Ghana. The Snapshots represent the general findings of the research team with respect to Land Rights Security, Land Deals, Compulsory Acquisition, and Institutional Capacity. As with any summary of complex issues, the Snapshots have limitations in that they do not account for exceptions and nuances that were encountered by the assessment team.			
LAND RIGHTS SECURITY IN A SNAPSHOT						Men	Women	Strangers	Peri-urban Farmers
Land rights are recognized									
They know their rights									
Their rights are recognized by statutory law									
Their rights are recognized by their communities									
Their rights are recognized by their families									
Their rights are registered or recorded									
Land rights are not vulnerable to changes									
Their rights will remain the same with changes in marital status									
Their rights will remain the same if new wives join family									
Their rights will remain the same if spouse dies									
Their rights will remain the same if changes in chieftaincy									
Their rights will remain the same if they are not using the land									
Land rights can be enforced (customary)									
They know where to present customary claims									
They can afford to present customary claims									
They are able to present customary claims									
They feel entitled to bring claims against the chief									
Their cases will be heard and receive fair treatment									
Their cases will be resolved in a timely fashion									
A resolution in their favor will be implemented									
They have meaningful access to formal courts for land disputes									
Land rights are secure for a long and defined period of time									
Contracts/agreements for farmland grant rights for medium/long term									

Contracts/agreements for farmland will be respected	Green	Yellow	Yellow	Red
Contracts/agreements for house plots grant rights for medium/long term	Green	Green	Green	Green
Contracts/agreements for house plots will be respected	Green	Yellow	Green	Green
Land rights are not further constrained				
Compared to others in the community, they are not asked for additional consultation/permission	Green	Yellow	Yellow	Green
Compared to others in the community, they are not asked to fulfill additional conditions	Green	Green	Brown	Green
Land rights governance is participatory				
They participate/are included in community meetings	Red	Red	Red	Red
They are represented in decision-making bodies for land	Green	Red	Red	White
They have negotiation skills/someone to represent them as a group	Red	Red	Red	Red
They participate/are included in household decisions on land	Green	Yellow	White	White
Land user holds control over land				
They decide how to use the land for farming	Green	Yellow	Green	Green
They decide how to use what is produced	Green	Yellow	Green	Green
They decide how to use the cash from production	Green	Yellow	Green	Green
They decide whether to lease land out, and under what conditions	Red	Red	Red	Red
They decide whether to sell land, and under what conditions	Red	Red	Red	Red
They decide how to use the proceeds from land transactions	White	White	White	White
They decide to whom to bequeath land	Yellow	Brown	Yellow	White
Farmers have adequate access to land				
They have enough land to provide for family	Yellow	Brown	Yellow	Red
They have access to all the land they are able to cultivate	Yellow	Brown	Yellow	Red
They can access more land if they need it	Yellow	Brown	Brown	Red
Importance of land in livelihood strategy				
Their current livelihood directly tied to land	Green	Green	Green	Green
The majority of their labor invested in land or sale of produce from land	Green	Yellow	Green	Green
They engage in livelihood strategies that do not require access to land	Brown	Brown	Brown	Yellow
Farmers have adequate access to complementary resources				
Water (irrigation)	Red	Red	Red	Red
Seeds	Yellow	Yellow	Yellow	Yellow
Fertilizers	Brown	Red	Brown	Brown
Extension services	Brown	Brown	Brown	Brown
Price information	Red	Red	Red	Red
Credit	Red	Red	Red	Red
Labor	Yellow	Brown	Yellow	Yellow
Output markets	Yellow	Yellow	Yellow	Yellow

Note: Unless otherwise indicated, the rights referred to in this Snapshot are to usufructuary farmland rights as further discussed in the Land Tenure Risk Assessment Report for the Northern Region of Ghana.

Usually or Most Often	Sometimes	Not Usually	Rarely	Not Applicable	K E Y	
LAND DEALS IN A SNAPSHOT (Solar Harvest Site Only)						Smallholder Farmers
Notification and access to information						
They received information directly						
They received information through others						
They received information through radio or other media sources						
The information was accurate, delivered prior to commencement of the acquisition, and was timely and sufficient for decision-making						
Consultation and decision-making process						
They were consulted directly						
They were consulted through others						
They participated adequately in the decision-making process						
Positive and negative effects						
Directly employed on commercial/ investing farm						
Signed on as a contract farmer						
Gained access to new and improved infrastructure						
Gained access to new, better, or expanded markets						
Retained land						
Retained housing						
Retained livelihood						
Retained communal/pastoral use rights						
Retained access to water [or Access to water declined]						
Limited or no environmental damage						
Food security increased						
Overall change perceived to be positive ["Life has improved"]						
Land conflict remained the same or decreased in the community						
Compensation						
Received adequate compensation for any of the above losses						
If displaced, have received sufficient support for relocating						
Are financially better off now						
Dispute resolution/ right to appeal						
The dispute resolution process was known and accessible						
Those not satisfied with the outcome had an opportunity to appeal						
Decisions made by the dispute resolution body were enforced						

Usually or Most Often	Sometimes	Not Usually	Rarely	Not Applicable	KEY	Smallholder Farmers
COMPULSORY ACQUISITION IN A SNAPSHOT						
Notification and access to information						
They received information directly						
They received information through others						
They received information through radio or other media sources						
The information was accurate, delivered prior to commencement of the acquisition, and was timely and sufficient for decision- making						
Consultation and decision-making process						
They were consulted directly						
They were consulted through others						
They participated adequately in the decision-making process						
Compensation						
They received adequate compensation for any of the above losses						
If they were displaced, have received sufficient support for relocating						
They are financially better off now						
Resettlement						
They received adequate government assistance in resettlement						
Dispute resolution/ right to appeal						
The appeals or dispute resolution process was known and accessible						
Those not satisfied with the outcome had meaningful opportunity to appeal						
Decisions made by the dispute resolution body were enforced						

			K E Y
Yes	Some cases	No	

INSTITUTIONAL CAPACITY IN A SNAPSHOT	
State Land Sector Agencies (District Assemblies, TCPD, OASL, Lands Commission)	
Have sufficient legal mandate to fulfill their responsibility	
Have adequate processes, rules, and regulations to implement their legal mandate	
Have a good track record of implementing/protecting smallholder rights to land	
Have the resources and capacity to fulfill their responsibilities to implement/protect smallholders rights to land	
Have a sustainable source of future financing	
Have adequate representation of women as members	
Are recognized by community members as a service provider in land administration services	
Customary Authorities (CLSs)	
Have sufficient legal mandate to fulfill their responsibility	
Have adequate processes and rules to implement their mandate	
Have a good track record of implementing/protecting smallholders*	
Have the resources and capacity to fulfill their responsibilities to implement/protect this group's rights to land	
Have a sustainable source of future financing	
Have adequate representation of women as members	
Recognize that they have a responsibility to implement/protect this group's rights to land	
Are recognized by community members as a service provider in land administration services	

*Note: Unless otherwise indicated, the rights referred to in this Snapshot are to usufructuary farmland rights as further discussed in the Land Tenure Risk Assessment Report for the Northern Region of Ghana. The CLSs have focused primarily on recording residential rights, likely due to a combination of limited capacity and cultural challenges of recording farmland. Although the CLSs' efforts to record land rights could significantly improve smallholders' security if steps are taken to ensure their ability to participate in recordation, they also have the potential to undermine smallholders' existing rights, particularly in areas under pressure from increased development.

APPENDIX 2: Example Allocation Letter

Gonjaland Allocation Letter for residential, commercial or industrial land (Bole CLS)

Information required:

Town

Layout/ward/block

Plot numbers

Identification of person who requested the land

Date

Site plan attached

Stated conditions include:

- 1) Applicant has complied with all the customary requirements for the grant of the land under Gonja Custom.
- 2) Grantee has 6 months to enter into formal lease agreement with Yagbongwura, upon mutually agreeable terms.
- 3) Grantee advised to seek advice from Lands Commission Secretariat on the registration of the lease.
- 4) The plot shall be taken back and re-allocated if not developed within **one year** of the date of agreement. (Emphasis in original.)
- 5) No person singularly shall obtain more than 4 plots (1 acre) for building purposes, unless otherwise stated and explained.
- 6) Ground rent will be payable on the receipt of an allocation to The Administrator of Stool Lands (OASL) on an annual basis.

Recognition:

Requires official stamp, signature or thumb-print of the Bole Paramount Chief, as well as the same from the CLS as a witness.

The letter is dated and assigned a serial number at the top.

Source: Bole CLS

APPENDIX 3: List of Interviews

DATES	CLS AREA	INTERVIEW SESSION(S)	SELECTED PARTICIPANTS
May 2	Gulkpegu	Customary leader	Gulkpe Na, paramount chief
May 2	Gulkpegu	Land sector agency	Samuel Anini, Lands Commission regional coordinator, and other LC staff; OASL staff
May 2	Gulkpegu	Customary land secretariat	Mohamed Rashad, CLS coordinator
May 2	Gulkpegu	Metro Assembly, Tamale	Alhaji Shehu Kadiri, metro coordinating director; Hasia Sualihu, gender desk officer; Bridget Parwar, WiAD officer, Min. of Food and Agriculture; other assembly staff
May 3	Gulkpegu	Kotinli group interviews	(1) Women (heads of household and within household); (2) smaller group of migrant women; (3) men (including youth); (4) follow-up interview with 2 male farmers
May 4	Gulkpegu	Gulkpetua customary leaders	(1) Local chief; (2) queen mother
May 4	Gulkpegu	Gulkpetua group interviews	(1) Women (heads of household and within household); (2) men (including youth)
May 6	Gushie	Customary leader	Gushie Na, paramount chief
May 6	Gushie	Group interviews	(1) Women in households; (2) women heads of household; (3) men heads of households; (4) youth; (5) migrants
May 6	Gushie	Land sector agency	Kyeremeh Charles Mensah, Savelugu registration officer
May 7	Gulkpegu	Kpachaa group interviews	(1) Chief (Kpachaa Na), elders, and male heads of household; (2) women (heads of household and within household); (3) smaller group of women who had been displaced by a jatropa plantation; (4) smaller group of men (including youth)

May 7	NA	Customary leader	Katariga chief and elders
May 8	Damongo	Customary leader	Paramount chief
May 8	Damongo	District Assembly, Damongo	S. Y. Inusah, deputy coordinating director; Ajata Haruna, gender desk officer; Mustapha Ganibu, district planning officer; Mr. Gariba, TCPD officer
May 8-9	Damongo	Group interviews	(1) Women heads of household; (2) men heads of household; (3) migrants; (4) youth and women in households
May 9	Damongo	Customary land secretariat	Mark Lermu, CLS coordinator
May 9	NA	Farming cooperative/association	Bobgonyeya, association of women rice farmers and processors located in Tamale
May 10	NA	NGO/CSO	(1) Grameen Ghana; (2) Canadian Feed the Children; (3) Urbanet
May 10	NA	Group interview	Airport expansion displaces
May 10	NA	Farming cooperative/association	Women participants in the Ministry of Food and Agriculture's block farming program
May 11-13	Bole	Customary leader	Paramount chief
May 11-13	Bole	Customary land secretariat	Mr. Ali, deputy CLS coordinator
May 11-13	Bole	District Assembly, Bole	Samson Abudu, district chief; Jim Chimsa, district coordinating director; Lawrence Finn, TCPD officer; the gender desk officer; a MoFA extension officer
May 11-13	Bole	Group interviews	(1) Women (heads of household and within household); (2) male heads of household (including strangers/migrants); (3) a smaller follow-up with three male cashew farmers; (4) members of a women's savings and loan group; (5) youth; (6) two migrant farmers from the Upper West Region.

May 11-13	Bamboi	Customary leaders	(1) Nana Kweku Dappah, paramount chief; (2) Nana Kojo Pambo, chief of Jama.
May 11-13	Bamboi	Customary land secretariat	CLS coordinator and deputy coordinator
May 11-13	Bamboi	Group interviews	(1) Men heads of household; (2) women heads of household; (3) women in households; (4) migrants; (5) youth (men and women)
May 15	NA	Farming cooperative/association	Northern Region Cooperative Vegetable Farmers, farmers union based in Tamale
May 15	Gulkpegu	Metro Assembly, Tamale	Hon. Abdullai Haruna Friday, metropolitan chief executive; Prince Klugah, procurement officer; Tahiru Hikmatu, social development officer; Madam Hasia Sualihu, gender desk officer; Osman Latifa, assistant budget officer; Hector Cudjoe, assistant director; Mr. Adul Karim, deputy coordinating director

APPENDIX 4: Northern Region CLS Practices

CLS name	Practices related to recording land rights
Gulkpegu CLS	<p>Sub and district chiefs are now advising people to confirm their land allocation letters (for house plots) with the CLS.</p> <p>No farmland plots registered. Idea just recently occurred to the CLS coordinator, who is interesting in pursuing it.</p>
Damongo CLS	<p>CLS keeps records in a ledger, on the computer, and in paper files.</p> <p>CLS has established a pilot project with the district assembly and TCPD to establish a revolving fund, whereby the government pays a bulk sum for surveyors and the chief pays back in installments as plots are sold.</p> <p>CLS has recorded one farmland plot. The chief noted that he has not considered registering farmland.</p> <p>A significant number of women have recorded their rights to house plots. An estimated one-fourth of all plots registered belong to women.</p>
Bole CLS	<p>CLS has recorded only house plots, not farmland. CLS Deputy Coordinator noted most people don't see a need to document farmland because it is not being sold.</p> <p>By bundling applications, the CLS has been able to receive discounts on survey costs for house plots, reducing these from 250 GHC to 80 GHC in some instances.</p> <p>No women have recorded their land rights. The CLS Deputy Coordinator was unsure about instances of joint registration.</p> <p>People in Bole do not have formal leases with the Lands Commission, though some may be interested in this in order to use their land for collateral.</p>
Bamboi CLS	<p>No farmland has been documented, but CLS Coordinator says a few farmers have been inquiring about this. Both CLS Coordinator and his deputy think this would be a good idea, especially in places where development is approaching.</p> <p>The only development scheme within the paramountcy is for the town of Bamboi.</p> <p>The CLS has applied its pricing structure for residential plots equally to potential farmland recordation. For example, a woman cashew farmer came to the CLS seeking documentation of her land to help guard against development. The CLS told her she would need to pay the same price per acre as a residential developer, which would be 120 GHC x 4 (plots per acre) x 13 (number of acres), amounting to 6,240 GHC! The farmer was unwilling to pay this amount, and so did not record her land with the CLS.</p>
Savelugu Lands Registration	<p>Both the paramount chief (Gushie Naa) and government are recording residential plots, but no farmland. Chief says the cost to obtain documents is 20-40 GHC. Does not include surveying, TCPD, etc.</p>

District Office ²⁴	<p>District registration officer is making efforts at public information and education to encourage people to protect their rights to land (mostly residential and commercial) by applying for a lease.</p> <p>No registration of farmland to date.</p> <p>Only one woman has entered the office, to register a houseplot for her daughter who was living abroad. The district officer noted that “gender balance is a big problem.”</p>
-------------------------------	--

²⁴ This office is one-of-its kind in the Northern Region, established under MiDA in Savelugu to support its agricultural sector program, and also to support LAP I’s initial efforts to make Tamale a pilot title registration area. (These efforts have since ceased.) Currently, there is no Savelugu CLS. The registration office has taken on a CLS-like role in recording land rights, and so is included in this table for comparison.

APPENDIX 5: Recommendations

Summary of Recommendations	
Security of Land Rights	
Acquisition / Allocation of Rights	<p>Policy, law, and regulations:</p> <p>Formal system</p> <ul style="list-style-type: none"> • Adopt a land use planning law that establishes a system for participatory land use planning (going beyond land schemes as currently utilized, to a more comprehensive developmental planning approach) at the national, regional, and district levels. See the text box on land use planning, below. <i>(Parliament; LC; TCPD)</i> • Adopt the draft law on spousal property rights, including a clear legislative framework for joint spousal rights to community property/land. <i>(Parliament; Ministry of Gender, Children, and Social Protection (MGCSP, formerly the Ministry of Women and Children's Affairs))</i> • To the extent possible, implement existing legislation in a way that builds on existing customary practices that support women's rights to land. <i>(MGCSP; LC; OASL; TCPD)</i> • Clarify current legislative and common law rights to adverse possession/prescription in the Land Bill. <i>(Parliament; LC)</i> <p>Customary system</p> <ul style="list-style-type: none"> • Begin discussions within houses of chiefs and other forums for customary leaders on the subject of women's access to land, including allocation of land rights to women, allocation of land jointly to spouses, women's ability to approach the chief directly to request this, and inheritance for widows and girls. <i>(MGCSP; CLS)</i> <p>Institutional improvements:</p> <p>Formal system</p> <ul style="list-style-type: none"> • Bolster the resources and capacity of district assemblies, TCPD and other land sector agencies to develop and enforce land use planning at the national, regional, and district levels. Engage the customary authorities in these efforts as well. Encourage a participatory approach (including adequate representation by smallholder farmers and especially by women) in creating a vision for land use in the Northern Region and also in each district. Increased capacity for land use planning would help to ensure that land allocations within the customary system accommodate for multiple uses. <i>(LC; TCPD)</i> • Improve access of smallholder farmers and women to all land use planning processes. <i>(TCPD; LC)</i> • Consider alternative financing mechanisms for land use schemes, to improve the likelihood that the land use plan will precede development. Mechanisms that allow for a delayed payment (or payments over a period of time) of scheme costs should be developed if financially feasible. <i>(TCPD)</i> • Consider formation of a national gender task force on land, reporting to the Lands Commission. (See example in Liberia.) <i>(MGCSP and LC)</i> <p>Customary system, with focus on CLSs</p> <ul style="list-style-type: none"> • Increase CLS/chiefs' awareness about land use planning, and support engagement in

	<p>land use planning processes. <i>(LC; TCPD; CLS)</i></p> <ul style="list-style-type: none"> • Encourage transparency in pricing for customary lands so that everyone knows the market rate, and prices are more consistent and less dependent on individual purchasers’ social standing and negotiating ability. <i>(CLS; OASL)</i> • Reach out to customary leaders to encourage women to approach chiefs directly with requests for land. Work towards the removal of social stigma against women approaching the chief without a male escort. <i>(MGCSP; CLS)</i> <p>Education and awareness efforts to target audiences:</p> <p>Land sector agencies</p> <ul style="list-style-type: none"> • Provide education on the importance of participatory land use planning and the role of TCPD. <i>(TCPD; LC)</i> <p>Customary system</p> <ul style="list-style-type: none"> • Foster discussions within houses of chiefs and other forums for customary leaders on the issues related to allocation and access to land by community members in areas of rapid growth and increased demands for land. <i>(LC; TCPD)</i> • Provide education around the need for compliance with existing land use plans in land allocation. <i>(TCPD; LC)</i> • Education around the benefits of ensuring women have secure access to land and are involved in decision-making on land. <i>(MGCSP; LC)</i> <p>NGOs</p> <ul style="list-style-type: none"> • Engage with NGOs working with customary communities in the Northern Region to exchange knowledge of local land tenure systems and appropriate strategies to improve the tenure security and agricultural productivity of customary rights holders. <i>(NGOs/CSOs; CLS; OASL; LC)</i> • Work with NGOs, such as Urban Net, to help provide education and outreach on balanced approaches to allocation that help to ensure community members have needed access to land. <i>(NGOs/CSOs; L-PAN; OASL; LC)</i> <p>Farmers associations, smallholder farmers at large</p> <ul style="list-style-type: none"> • Foster community discussions around allocation and access to land in areas of rapid growth and increased demands for land. <i>(NGOs/CSOs; L-PAN; LC)</i> • Encourage the creation of local farmers’ associations that can support members in the acquisition of land. <i>(NGOs/CSOs; L-PAN)</i> • Outreach to women to encourage them to come directly to the chiefs and elders to request land, rather than going through their male relatives and husbands. Some of the chiefs we spoke with said that women could approach them directly-- awareness efforts aimed at women smallholders could lead more women exercising this right. Women should also be encouraged to take more ownership of the land allocation process, even when accompanied by a male escort. <i>(MGCSP; CLS; NGOs/CSOs)</i>
<p>Recognition/ Recordation of Rights</p>	<p>Policy, law, and regulations:</p> <p>Formal system</p> <ul style="list-style-type: none"> • Adopt law on spousal rights to property, establishing a clearer legislative framework for registration of joint spousal rights on stool/skin land. <i>(Parliament; MGCSP; LC)</i> • Explore possibility of eliminating the requirement of surveyed site plan for registration of a lease with the Lands Commission. If it is not feasible to completely eliminate the requirement, consider limiting it to larger parcel sizes. <i>(LC)</i> • Adopt (or better promote) clear regulations/guidelines on the process and fees

required for registering a lease with the Lands Commission. Require that these guidelines, with a fee schedule and timelines for each procedure, be prominently posted in offices of Lands Commission and all state land agencies. Note that this could take place in conjunction with LAP-2's upcoming review of land-related fees. (LC)

Customary system

- Explore less expensive alternatives to current survey requirements and costs for recording land rights at the CLS. Discuss among CLSs; look for best practices around country. (CLS; OASL)
- Foster discussion in the customary leadership forums on recording farmland usufructuary rights for both indigenes and strangers. (CLS)
- Consider a CLS policy to record land rights for multiple heads of household-- joint recording for spouses. (CLS; MGCSP)
- Foster discussion among customary leadership and CLSs on how to record land rights (both residential and farmland) for those currently holding customary rights within the community, entailing some sort of limited systematic recording. Upcoming LAP activities will include a sensitization component to support this effort, but this will require ongoing support to ensure sufficient buy-in from customary authorities. (CLS; LC)

Institutional improvements:

Formal system

- Research and identify ways to reduce costs of surveys (including eliminating the requirement for a formal cadastral survey, training community para-surveyors, etc.). (LC; TCPD)
- Encourage transparency and accountability by posting procedures and fees for every step in the lease application/registration process publicly on the walls of relevant land agency offices. (LC)

Customary system

- Explore use of the bundling approach in Bole and Damongo as a model for other CLSs in reducing survey costs per parcel. (CLS; TCPD)
- Adopt two priority focus groups for CLS recording efforts, namely smallholder farmers and women. (CLS; MGCSP)
- Consider a sequential approach to recording smallholders' rights to farmland--start with land used for tree crops, then perhaps land used for other forms of non-shifting farming, and finally, land used for rotating and/or shifting cultivation. (CLS; OASL; LC)
- Consider documenting allocations of farmland rights to strangers with written leases for a stated number of years. (Such leases could be, but would not necessarily need to be, recorded.) Note that this will require parties to come to an agreement as to the appropriate duration of the lease and lessor/lessee rights at the end of the lease period. There is also some risk that fixed-term leases could lead traditional authorities to demand greater cash payments for use rights. (CLS; OASL)
- The CLS in Damongo has been fairly successful at increasing the number of women with recorded rights to land. Increased funding and support to the Damongo CLS, which could then serve as a model for other CLSs in the Northern Region, could lead to a significant increase in the number of women with recorded land rights. (OASL; CLS)

	<p>Education and awareness efforts to target audiences:</p> <p>Land sector agencies</p> <ul style="list-style-type: none"> • Staff from the Lands Commission, OASL, etc. encourage community members (especially smallholder farmers and women) to record their rights with the CLSs. <i>(LC; OASL; CLS)</i> • Work to improve coordination between land sector agencies and CLSs to facilitate delivery of services to areas of land allocations. <i>(LC; OASL; CLS)</i> <p>Customary system</p> <ul style="list-style-type: none"> • Explore best practices on recording issues among CLSs both within the Northern Region and around the country to use as learning models for the Northern Region CLSs. Issues for best practices could include recording of women’s land rights and joint spousal land rights; reducing fees and especially survey-related fees; linking allocation letters with plot maps/land use schemes; and efforts to provide public information and education, etc. <i>(OASL; CLS)</i> • Identify and communicate incentives to chiefs for recording farmland (e.g., improved ability to collect tributes at harvest time). <i>(OASL; CLS)</i> <p>Farmers associations, smallholder farmers at large</p> <ul style="list-style-type: none"> • Encourage community members (especially smallholder farmers and women) to record their rights with the CLSs. Awareness-raising around the CLSs and their role in land management and recording, specifically targeting women with messages about their right to record land in their own names. <i>(CLS; NGOs/CSOs)</i>
<p>Security of Rights and Access to Land</p>	<p>Policy, law, and regulations:</p> <p>Formal system</p> <ul style="list-style-type: none"> • Consider including protections in Land Bill for usufructuary rights holders on stool/skin lands vis-à-vis the authority of allodial rights holders to transact the land. These could be both procedural (e.g., requirement to provide notice) and also substantive (e.g., requirement to provide compensation, and/or prohibition on certain kinds of transactions). <i>(Parliament; LC)</i> • Adopt the Spousal Property Rights Bill, clarifying women’s rights to the marital home and land in case of divorce or death of spouse. <i>(Parliament; MGCSF)</i> <p>Customary system</p> <ul style="list-style-type: none"> • Encourage policy within customary leadership in the Northern Region to compensate those holding usufructuary rights to farmland when the chief decides to displace them for residential growth. <i>(LC; OASL; CLS)</i> <p>Institutional improvements:</p> <p>Formal system</p> <ul style="list-style-type: none"> • Consider making information on existing registered leases publicly available. <i>(LC)</i> • Ensure that large-scale commercial acquisitions of farmland conform to existing guidelines. <i>(LC)</i> <p>Customary system</p> <ul style="list-style-type: none"> • Enforcement of agreements with large-scale commercial farms and other lessees of stool/skin land. <i>(LC; CLS)</i> • Implementation of guidelines on large-scale land transactions, when adopted. <i>(LC;</i>

	<p>CLS)</p> <p>Education and awareness efforts to target audiences:</p> <p>Customary system</p> <ul style="list-style-type: none"> • Identification and sharing of best practices among customary leaders for procedural safeguards and compensation for usufructuary rights holders when the chief allocates the land they have been farming on for residential development. (CLS; LC) • Education around the community-wide benefits of securing land rights for women farmers; encourage customary authorities to support women’s land rights, including rights in divorce and widowhood. (MGCSP; NGOs/CSOs) <p>NGOs</p> <ul style="list-style-type: none"> • Support NGOs in encouraging community discussions on issues noted below, especially the nature of usufructuary rights and the chief’s role as trustee for community members. (NGOs/CSOs; L-PAN) <p>Farmers associations, smallholder farmers at large</p> <ul style="list-style-type: none"> • Public awareness campaigns targeting women on smallholders’ rights-- large-scale land acquisitions guidelines, notice and consultation requirements for compulsory acquisition, and role of the chiefs in land management (hold land in trust for the community, not just themselves). (MGCSP; LC)
<p>Conflict/ Dispute Resolution and Enforcement of Rights</p>	<p>Policy, law, and regulations:</p> <p>Formal system</p> <ul style="list-style-type: none"> • Adopt a Land Law that clearly defines the rights and responsibilities of chiefs and smallholders, and provides a framework for enforcement of usufructuary rights holders vis-à-vis the authority of the chief. (Parliament; LC; MGCSP) • Update the National Land Policy and include clear support for women’s land rights generally, including requirements that customary authorities comply with the Constitution and enforce basic rights. (LC; MGCSP; Parliament) <p>Customary system</p> <ul style="list-style-type: none"> • Establish guidelines for the resolution of disputes that come to chiefs, elders, and other customary dispute resolution actors in order to make processes more consistent, fair and transparent. (Customary authorities; CLS; LC) • Within the skins in the Northern Region, encourage customary leaders to clarify norms and rights regarding women’s land rights upon divorce, and begin discussions around how to encourage women to bring disputes over their land rights to the chiefs. (MGCSP; CLS; NGOs/CSOs) • Establish a clear policy on the rights of women upon the death of a spouse, which recognizes the varied practices across Ghana’s many ethnic groups but still establishes basic rights for widows. (MGCSP; LC) <p>Institutional improvements:</p> <p>Formal system</p> <ul style="list-style-type: none"> • Improve efficiency of the formal court system in order to lower costs and decrease the amount of time it takes to file and resolve a claim. Anecdotal evidence suggests that the formal courts are supportive of smallholder rights when they have been documented, but the cost and time required for a formal hearing make the process inaccessible for the majority of smallholders in the Northern Region. (Ministry of

	<p style="text-align: center;"><i>Justice; LC)</i></p> <p>Customary system</p> <ul style="list-style-type: none"> • Consider acceptable approaches to document farmland rights in some way, even if through an unrecorded written document (such as an allocation letter or lease document). This would provide a basis for determination of rights in the future if conflicts arise. <i>(CLS; OASL)</i> • Develop and keep written records of the cases presented to traditional authorities, noting parties to the disputes, basic facts, and any evidence presented, as well as the decision. <i>(Customary authorities; CLS)</i> <p>Education and awareness efforts to target audiences:</p> <p>Customary system</p> <ul style="list-style-type: none"> • Outreach to provide legal literacy training to chiefs and elders on land rights, including rights and responsibilities under the Constitution, large-scale land acquisition guidelines, regulations on compulsory acquisition, and other relevant laws and policies. <i>(LC; NGOs/CSOs)</i> • Given the wide variety of capacity for dispute resolution observed among CLSs visited, use best practices within the Region as an educational tool for CLSs with less-developed dispute resolution capacity. <i>(CLS; LC)</i> <p>NGOs</p> <ul style="list-style-type: none"> • Pilot potential approaches to the creation of affordable legal aid for smallholders. Work to develop and increase the capacity of existing legal aid institutions. <i>(NGOs/CSOs; Ministry of Justice)</i> <p>Farmers associations, smallholder farmers at large</p> <ul style="list-style-type: none"> • Build awareness within communities around the rights of smallholders and the role of chiefs in land management. <i>(LC; CLS; NGOs/CSOs)</i> • Public information campaigns to build awareness of legal aid and other support available to help smallholders enforce their land rights. <i>(LC; Ministry of Justice; NGOs/CSOs)</i> • Reach out to women to encourage them to bring land disputes, including intra-household disputes, directly to customary authorities. We heard from many of the chiefs that women can come to the chiefs directly, but in group interviews the women said they go through male relatives. <i>(MGCSIP; CLS; Customary authorities)</i>
<p>Decision-Making</p>	<p>Policy, law, and regulations:</p> <p>Formal system</p> <ul style="list-style-type: none"> • See recommendations below under the sections on Compulsory Acquisition and Large-Scale Land Acquisitions. <p>Customary system</p> <ul style="list-style-type: none"> • Establish policies and guidelines that encourage community consultation by chiefs and elders. Customary leaders could consider instituting regular community meetings to discuss land-related issues. <i>(LC; CLS)</i>. • Work to include more women in customary decision-making bodies. The House of Chiefs could require the inclusion of women among a chief’s elders. If there is initial resistance to including women and men in the same forums, consider forming a separate women’s council that could work in conjunction with the male chiefs’ councils on community issues. <i>(Customary authorities; MGCSIP; LC)</i>

	<p><i>Institutional improvements:</i></p> <p>Formal system</p> <ul style="list-style-type: none"> • Enforce existing procedural safeguards for compulsory acquisition. Implement the existing guidelines on large-scale land acquisitions. <i>(LC)</i> • Renew efforts to provide extension services for model agricultural practices to smallholder farmers, women, and others who may be socially vulnerable or marginalized within the community as a way to build their knowledge and thus, social capital. <i>(MoFA; MGCSP)</i> <p>Customary system, with focus on CLSs</p> <ul style="list-style-type: none"> • Comply with any requirements for procedural safeguards (community notice, opportunity for public hearings, right to appeal, etc.) prior to the disposition of land. <i>(Customary authorities; LC)</i> • Reach out to women in the community to make sure that they are aware of community meetings and decisions and are included along with the men. Work to ensure that meetings take place at times that women are able to attend, and are kept short so as not to interfere with their other duties. <i>(Customary authorities; CLS; MGCSP)</i> <p><i>Education and awareness efforts to target audiences:</i></p> <p>Land sector agencies</p> <ul style="list-style-type: none"> • Trainings around community notice and consultation requirements for compulsory acquisition and large-scale land acquisitions. <i>(LC)</i> • Advocate for the consistent implementation of existing guidelines and regulations that entail procedural safeguards. <i>(LC; NGOs/CSOs)</i> <p>Customary system</p> <ul style="list-style-type: none"> • Encourage chiefs and elders to act as advocates for women’s land rights within the community. As community leaders, chiefs and elders have strong influence and can lead others to be more supportive of women’s rights <i>(MGCSP; NGOs/CSOs)</i> • Education around legal requirements for compulsory acquisition and large-scale land acquisitions. <i>(LC)</i> <p>Farmers associations, smallholder farmers at large</p> <ul style="list-style-type: none"> • Raise public awareness of smallholders’ rights, particularly any rights to notice and consultation prior to the disposition of stool/skin land. <i>(LC; NGOs/CSOs)</i> • Encourage women to advocate for their land rights and work with community leaders to ensure their rights are enforced. <i>(MGCSP; LC)</i>
<p>Land Use Planning</p>	<ul style="list-style-type: none"> • Develop a National Land Use Policy that creates a philosophical and institutional framework for the environmentally and socially responsible use of land resources in Ghana. This should focus, in part, on encouraging the creation of simplified planning mechanisms. <i>(Parliament; LC; National Development Planning Commission).</i> • Adopt a land use planning law based upon the principles of a National Land Use policy that establishes a system for participatory land use planning (going beyond land schemes as currently utilized to a more comprehensive developmental planning approach) at the national, regional and district levels. <i>(Parliament; TCPD).</i> • Adopt penalties and enforcement mechanisms that result in significant consequences for individuals and entities that violate land use planning laws and regulations. <i>(Parliament; TCPD).</i> • Identify a sustainable financial model for the creation of development plans so that

	<p>planning can be completed prior to development. (TCPD; LC).</p> <ul style="list-style-type: none"> • Ensure reasonable and adequate funding is available to LSAs for the development and implementation of land use plan and regulations. (Parliament). • Clarify and raise awareness among LSAs, customary authorities and the public of the institutional roles and responsibilities of various entities in the land use planning process. (TCPD). • Develop model guidelines and best practices for key land use planning issues such as: <ul style="list-style-type: none"> ○ <i>How to promote public participation in the land use planning process.</i> ○ <i>Strategies for effective enforcement,</i> ○ <i>Facilitation and cooperation among land sector agencies and traditional authorities in developing plans, etc. (TCPD).</i> • Identify strategies aimed at removing or reducing corruption within LSAs. (Parliament; LSAs; NGOs/CSOs). • Ensure that land use plans, laws and regulations, and land registration information is easily accessible to the public. (TCPD; LC).
<p>Compulsory Acquisition</p>	<p>Policy, law, and regulations:</p> <p>Formal system</p> <ul style="list-style-type: none"> • Consider including in the draft Land Bill provisions that: (1) narrowly define “public interest” or “public purpose,” excluding from this definition the possibility of using compulsory acquisition for direct private/commercial gain; and (2) establish procedural safeguards for all who have an interest in land considered for acquisition, including requirements for notice; opportunities for public commentary and to appeal the decision to acquire on the merits (e.g., on whether there is sufficient public interest); opportunity to appeal the compensation amount; and a requirement that the government pay compensation prior to occupation of the land. (Parliament; LC) • Conduct a review of existing laws and regulations related to compulsory acquisition, and revise to ensure their consistency with the Constitution, each other, and international best practices. (LC; Parliament) • Consider clarifying current legislative and common law rights to adverse possession/prescription in the Land Bill. (Parliament; LC) • Revisit laws, policies, and regulations related to compensation for compulsory acquisition, including valuation methodology and guidelines, to ensure that those harmed are indeed made whole (per constitutional requirement). This would include establishing the legal direction for payment of compensation not just to allodial title holders, but also directly to usufructary rights holders (including and especially women) who are affected. (Parliament; LC) • Consider adopting a national resettlement policy in line with best international practices, which would apply to smallholder farmers (and others) on stool land who are displaced through compulsory acquisitions. (Parliament; LC) <p>Customary system</p> <ul style="list-style-type: none"> • Unless, and until, a formal law is adopted to ensure sharing of compensation between allodial rights holders and land users, adopt and publicly share a policy within each skin that compensation for land acquired compulsorily will be shared with land users (in line with chiefs’ Constitutional duties as fiduciaries obligated to discharge their functions for the benefit of their subjects). (Customary authorities) • Encourage compliance with existing laws, regulations, and policies on compulsory acquisition and compensation, specifically requirements that affected land users be involved in consultations and decision-making. (LC; CLS)

	<p><i>Institutional improvements:</i></p> <p>Formal system</p> <ul style="list-style-type: none"> • Begin immediately to implement the current legal and regulatory procedural safeguards for any new compulsory acquisition (including notice, hearings, right to appeal compensation levels, and delivery of prompt compensation). Note: it may be necessary to conduct a short-term investigation of impediments and institutional capacity needs prior to executing on this recommendation and the next. <i>(LC)</i> • Promptly inventory and pay all outstanding valid claims to compensation for lands taken by the government in the past (or at least in the past 15 years, to begin with). <i>(LC)</i> • Continue and expand efforts to return governmental lands taken from stools and skins in the past, if their current use is not aligned with the originally stated purpose of the acquisition. <i>(LC)</i> • Any governmental entity acquiring new land compulsorily (including district assemblies) must properly register its rights to the land with the Lands Commission. <i>(LC)</i> • Continue and expand efforts to inventory and register existing rights to land acquired by government entities. <i>(LC)</i> • Increase efforts to communicate on a regular basis with the customary authorities on issues regarding public lands, concerns of chiefs, etc. <i>(LC)</i> <p>Customary system, with focus on CLSs</p> <ul style="list-style-type: none"> • Help to inform residents of their existing legal rights regarding compulsory acquisition. <i>(CLS; LC)</i> • Work with land sector agencies and residents to negotiate acceptable solutions where encroachment has become a major issue. <i>(CLS; LC)</i> <p><i>Education and awareness efforts to target audiences:</i></p> <p>Farmers associations, smallholder farmers at large</p> <ul style="list-style-type: none"> • Design and launch wide-scale public information and education effort on rights and responsibilities in regard to compulsory acquisition. <i>(LC; NGOs/CSOs)</i>
<p>Large-scale Land Investments</p>	<p><i>Policy, law, and regulations:</i></p> <p>Formal system</p> <ul style="list-style-type: none"> • Formally adopt the Lands Commission’s draft guidelines for large-scale land acquisitions. Consultation with local stakeholders for feedback on the guidelines is highly recommended prior to their final adoption. <i>(LC)</i> • Consider including protections in Land Bill for usufructuary rights holders on stool/skin lands vis-à-vis the authority of allodial rights holders to transact the land. These could be both procedural (e.g., requirement to provide notice) and also substantive (e.g., requirement to provide compensation, and/or prohibition on certain kinds of transactions). <i>(Parliament; LC)</i> • Consider adopting a national resettlement policy in line with best international practices, which would apply to smallholder farmers (and others) on stool land who are displaced from either their homes or farmland by large-scale land investments. <i>(LC; Parliament)</i> • Explore, and possibly adopt, international or continent-wide best practices on valuing customary lands for commercial transactions. <i>(LC)</i>

	<p>Customary system</p> <ul style="list-style-type: none"> • Encourage adherence to the guidelines for large-scale land acquisitions by local and higher level chiefs. <i>(LC)</i> • Adopt policies within each skin that would provide procedural and substantive protections to smallholder farmers and other usufructuary rights holders vis-à-vis large-scale commercial farms. <i>(Customary authorities; LC)</i> • Adopt policies on benefits sharing for investment revenues, as between the allodial rights holder and usufructuary rights holders. <i>(Customary authorities; LC)</i> • Adopt policies within each skin encouraging land investments based on an outgrower farmer model (whereby smallholder farmers produce for the farm using their own land), rather than a plantation model (whereby smallholder farmers are displaced from their land by the farm). <i>(Customary Authorities; CLS; LC)</i> • Explore possibilities within each skin for a more transparent and participatory approach to decision-making on large-scale farm investments, moving toward a requirement for Free, Prior and Informed Consent (FPIC) of the affected community. (An example of increased transparency would be to publicly vet the business plan for any proposed investment during the decision-making process, and to offer a forum for comments and questions.) <i>(LC; CLS)</i> <p><i>Institutional improvements:</i></p> <p>Formal system</p> <ul style="list-style-type: none"> • Continue Lands Commission review of all lease applications for skin land for over 1,000 acres. <i>(LC)</i> • Lands Commission should continue educating chiefs on importance of scrutinizing requests for large amounts of land. <i>(LC)</i> • Explore possibility of establishing a unit within the Lands Commission or other land sector agency (or independently) that would provide technical assistance to customary authorities in reviewing business plans of any company requesting a large-scale, long-term lease, and also in monitoring the company's performance over time. This unit could also help to ensure compliance with commitments made by the investor to the community at the outset. <i>(LC; OASL)</i> <p>Customary system, with focus on CLSs</p> <ul style="list-style-type: none"> • CLSs could collaborate with the land sector agencies to monitor large-scale leases, for example ensuring that they continue in productive operation per lease terms and the law. Efforts of the Gulkpegu CLS to this end could be explored as a possible model for this. <i>(CLS; LC; OASL)</i> <p><i>Education and awareness efforts to target audiences:</i></p> <p>Land sector agencies</p> <ul style="list-style-type: none"> • Provide information on the high productivity potential of small farms relative to large commercial farms. <i>(MoFA; LC)</i> <p>Customary system</p> <ul style="list-style-type: none"> • Foster discussions among customary leaders on effects of large-scale land investments and their impact on diverse stakeholders within the community. <i>(LC; OASL)</i> • Foster discussions among customary leaders on the different types of large-scale land investments, including the difference between plantation and outgrower-style farming. <i>(LC; OASL)</i>
--	---

	<ul style="list-style-type: none"> • Provide information on the high productivity potential of small farms relative to large commercial farms. <i>(MoFA)</i> <p>Farmers associations, smallholder farmers at large</p> <ul style="list-style-type: none"> • Provide information to smallholders and other community members on their rights vis-a-vis large-scale investments in their community. Encourage outgrower farmers to form farmers’ associations. Encourage community meetings to discuss any proposed large-scale land investment. <i>(NGOs/CSOs; L-PAN)</i>
<p>Land Governance Institutions</p>	<p><i>Community Land Secretariats:</i></p> <ul style="list-style-type: none"> • Build off successes and best practices to enhance CLS capacity in the Northern Region. Models could be developed for a number of issues (including recording land rights of smallholder farmers and especially of women; collaborating with land sector agencies on land use schemes; reducing fees; alternative dispute resolution; public information and education on compulsory acquisition; outreach on gender issues), and could be based on best practices from CLSs either within or outside of the Northern Region. <i>(CLS; OASL; NGOs/CSOs)</i> • Use the Node’s CLS baseline survey to map out the CLSs’ resources and constraints; use this to move forward with recommendations for addressing constraints. <i>(L-PAN)</i> • Launch an intensive effort among the Northern Region CLSs to record farmland rights for smallholders, and women’s land rights (these will in some, but not all, cases overlap). Consider ceasing any and all recording efforts for residential and commercial plots unless, and until, the CLSs undertake the recording of rights for smallholders and women. <i>(CLS; OASL; Customary authorities; NGOs/CSOs)</i> • Foster discussion among chiefs about the benefits of appointing CLS staff (and particularly the director) based not on kinship ties, but on technical expertise and capacity. <i>(CLS; Customary, incl. National House of Chiefs; NGOs/CSOs)</i> • In addition to, or instead of, the recommendation above, consider a staffing model for CLSs that utilizes a lead permanent technical staff person to advise the “politically” appointed director. <i>(OASL; CLS)</i> • Develop financial sustainability and accountability models for use by CLSs. <i>(OASL; CLS)</i> • Advocate for legal recognition of the CLSs as an institution—review provisions in the draft Land Bill formalizing the CLSs. The authors make this recommendation contingent on the ability of the CLSs to begin to record farmland rights and women’s rights on a significant scale. <i>(Parliament; CLS; OASL)</i> <p><i>Land Sector Agencies:</i></p> <ul style="list-style-type: none"> • Conduct an institutional mapping exercise for land state agencies in the Northern Region which would identify agencies’ respective authorities, responsibilities and resources; highlight areas of ambiguity, overlap, potential conflict, and resource gaps; and identify options for addressing these issues moving forward. <i>(Ministry of Lands and Natural Resources (MLNR))</i> • Develop a strategy for increasing representation by women on land sector agencies in the Northern Region. <i>(MGCSP; MLNR)</i> • Improve transparency through publicly and prominently posting information on procedures and fees required for every official transaction. <i>(Land sector agencies)</i> • Improve procedural safeguards around compulsory acquisition. <i>(LC; Parliament)</i> • Provide for a public accounting of OASL revenues collected and disbursed. <i>(OASL)</i> • Identify new opportunities for engaging constructively with customary officials on land issues. <i>(Land sector agencies; MLNR; MGCSP; NGOs/CSOs)</i>

APPENDIX

6

APPENDIX 6: SNAPSHOTS

KEY						Note on Methodology			
	Usually or Most Often	Sometimes	Not Usually	Rarely	Not Applicable	<p>The Snapshots below are intended to serve as a quick reference to the more detailed findings highlighted in the attached Land Tenure Risk Assessment Report for the Northern Region of Ghana. The Snapshots represent the general findings of the research team with respect to Land Rights Security, Land Deals, Compulsory Acquisition, and Institutional Capacity. As with any summary of complex issues, the Snapshots have limitations in that they do not account for exceptions and nuances that were encountered by the assessment team.</p>			
LAND RIGHTS SECURITY IN A SNAPSHOT						Men	Women	Strangers	Peri-urban Farmers
Land rights are recognized									
They know their rights									
Their rights are recognized by statutory law									
Their rights are recognized by their communities									
Their rights are recognized by their families									
Their rights are registered or recorded									
Land rights are not vulnerable to changes									
Their rights will remain the same with changes in marital status									
Their rights will remain the same if new wives join family									
Their rights will remain the same if spouse dies									
Their rights will remain the same if changes in chieftaincy									
Their rights will remain the same if they are not using the land									
Land rights can be enforced (customary)									
They know where to present customary claims									
They can afford to present customary claims									
They are able to present customary claims									
They feel entitled to bring claims against the chief									
Their cases will be heard and receive fair treatment									
Their cases will be resolved in a timely fashion									
A resolution in their favor will be implemented									
They have meaningful access to formal courts for land disputes									
Land rights are secure for a long and defined period of time									
Contracts/agreements for farmland grant rights for medium/long term									
Contracts/agreements for farmland will be respected									
Contracts/agreements for house plots grant rights for medium/long term									

Contracts/agreements for house plots will be respected	Green	Yellow	Green	Green
Land rights are not further constrained				
Compared to others in the community, they are not asked for additional consultation/permission	Green	Yellow	Yellow	Green
Compared to others in the community, they are not asked to fulfill additional conditions	Green	Green	Brown	Green
Land rights governance is participatory				
They participate/are included in community meetings	Red	Red	Red	Red
They are represented in decision-making bodies for land	Green	Red	Red	White
They have negotiation skills/someone to represent them as a group	Red	Red	Red	Red
They participate/are included in household decisions on land	Green	Yellow	White	White
Land user holds control over land				
They decide how to use the land for farming	Green	Yellow	Green	Green
They decide how to use what is produced	Green	Yellow	Green	Green
They decide how to use the cash from production	Green	Yellow	Green	Green
They decide whether to lease land out, and under what conditions	Red	Red	Red	Red
They decide whether to sell land, and under what conditions	Red	Red	Red	Red
They decide how to use the proceeds from land transactions	White	White	White	White
They decide to whom to bequeath land	Yellow	Brown	Yellow	White
Farmers have adequate access to land				
They have enough land to provide for family	Yellow	Brown	Yellow	Red
They have access to all the land they are able to cultivate	Yellow	Brown	Yellow	Red
They can access more land if they need it	Yellow	Brown	Brown	Red
Importance of land in livelihood strategy				
Their current livelihood directly tied to land	Green	Green	Green	Green
The majority of their labor invested in land or sale of produce from land	Green	Yellow	Green	Green
They engage in livelihood strategies that do not require access to land	Brown	Brown	Brown	Yellow
Farmers have adequate access to complementary resources				
Water (irrigation)	Red	Red	Red	Red
Seeds	Yellow	Yellow	Yellow	Yellow
Fertilizers	Brown	Red	Brown	Brown
Extension services	Brown	Brown	Brown	Brown
Price information	Red	Red	Red	Red
Credit	Red	Red	Red	Red
Labor	Yellow	Brown	Yellow	Yellow
Output markets	Yellow	Yellow	Yellow	Yellow

Note: Unless otherwise indicated, the rights referred to in this Snapshot are to usufructuary farmland rights as further discussed in the Land Tenure Risk Assessment Report for the Northern Region of Ghana.

Usually or Most Often	Sometimes	Not Usually	Rarely	Not Applicable	K E Y
LAND DEALS IN A SNAPSHOT (Solar Harvest Site Only)					
Notification and access to information					
They received information directly					
They received information through others					
They received information through radio or other media sources					
The information was accurate, delivered prior to commencement of the acquisition, and was timely and sufficient for decision-making					
Consultation and decision-making process					
They were consulted directly					
They were consulted through others					
They participated adequately in the decision-making process					
Positive and negative effects					
Directly employed on commercial/ investing farm					
Signed on as a contract farmer					
Gained access to new and improved infrastructure					
Gained access to new, better, or expanded markets					
Retained land					
Retained housing					
Retained livelihood					
Retained communal/pastoral use rights					
Retained access to water [or Access to water declined]					
Limited or no environmental damage					
Food security increased					
Overall change perceived to be positive ["Life has improved"]					
Land conflict remained the same or decreased in the community					
Compensation					
Received adequate compensation for any of the above losses					
If displaced, have received sufficient support for relocating					
Are financially better off now					
Dispute resolution/ right to appeal					
The dispute resolution process was known and accessible					
Those not satisfied with the outcome had an opportunity to appeal					
Decisions made by the dispute resolution body were enforced					

					K E Y
Usually or Most Often	Sometimes	Not Usually	Rarely	Not Applicable	

COMPULSORY ACQUISITION IN A SNAPSHOT	Smallholder Farmers
Notification and access to information	
They received information directly	
They received information through others	
They received information through radio or other media sources	
The information was accurate, delivered prior to commencement of the acquisition, and was timely and sufficient for decision-making	
Consultation and decision-making process	
They were consulted directly	
They were consulted through others	
They participated adequately in the decision-making process	
Compensation	
They received adequate compensation for any of the above losses	
If they were displaced, have received sufficient support for relocating	
They are financially better off now	
Resettlement	
They received adequate government assistance in resettlement	
Dispute resolution/ right to appeal	
The appeals or dispute resolution process was known and accessible	
Those not satisfied with the outcome had meaningful opportunity to appeal	
Decisions made by the dispute resolution body were enforced	

			K E Y
Yes	Some cases	No	

INSTITUTIONAL CAPACITY IN A SNAPSHOT	
State Land Sector Agencies (District Assemblies, TCPD, OASL, Lands Commission)	
Have sufficient legal mandate to fulfill their responsibility	
Have adequate processes, rules, and regulations to implement their legal mandate	
Have a good track record of implementing/protecting smallholder rights to land	
Have the resources and capacity to fulfill their responsibilities to implement/protect smallholders rights to land	
Have a sustainable source of future financing	
Have adequate representation of women as members	
Are recognized by community members as a service provider in land administration services	
Customary Authorities (CLSs)	
Have sufficient legal mandate to fulfill their responsibility	
Have adequate processes and rules to implement their mandate	
Have a good track record of implementing/protecting smallholders*	
Have the resources and capacity to fulfill their responsibilities to implement/protect this group's rights to land	
Have a sustainable source of future financing	
Have adequate representation of women as members	
Recognize that they have a responsibility to implement/protect this group's rights to land	
Are recognized by community members as a service provider in land administration services	

*Note: Unless otherwise indicated, the rights referred to in this Snapshot are to usufructuary farmland rights as further discussed in the Land Tenure Risk Assessment Report for the Northern Region of Ghana. The CLSs have focused primarily on recording residential rights, likely due to a combination of limited capacity and cultural challenges of recording farmland. Although the CLSs' efforts to record land rights could significantly improve smallholders' security if steps are taken to ensure their ability to participate in recordation, they also have the potential to undermine smallholders' existing rights, particularly in areas under pressure from increased development.

APPENDIX

7

APPENDIX 7: VALIDATION REPORT

REPORT ON VALIDATION WORKSHOPS ON FINDINGS FROM LAND TENURE AND PROPERTY RIGHT RISKS ASSESSMENT EXERCISE





OCTOBER 2013

Contents

BACKGROUND	3
2.0 WORKSHOP PROCESS.....	3
3.0 SUMMARY OF STAKEHOLDER INPUTS.....	4
3.1 REGIONAL LEVEL WORKSHOP-TAMALE.....	4
3.1.1 Questions.....	4
3.2 Comments and Suggestions	5
4.0 NATIONAL WORKSHOP- ACCRA	8
4.1 Compensation of Dispossessed Usufructs	8
4.2 Research Approach	9
4.3 Gender Disaggregated Data	9
4.4 Complement Laws with Dialogue	9
4.5 Role of CLS in farm land documentation	9
4.6 Prioritization of Recommendations	9
4.7 Bills in draft form still provides opportunity for node's input	9
4.8 Adopt a Continuous Approach to Capacity Building.....	9
4.9 Call for Sharing of Information and establishing formal linkage with LAP	9
4.10 Collaboration with GHIS	9
5.0 CONCLUSION	10

1.0 BACKGROUND

In May 2013, the Ghana Land Policy Action Node conducted an assessment of Land Tenure and Property Rights (LTPR) risks for small holder farmers in four traditional areas of the Northern Region. The assessment formed part of activities under the node's ongoing Land Access and Tenure Security Improvement Project (LATSIP) and was intended to generate relevant data to inform project activities and for wider policy discussions.

Having completed the field assessment and developed a draft report, the team organized validation workshops to present the findings from the assessment to the stakeholders engaged during the assessment and other project stakeholders. The purpose was to get them to make inputs to the findings and recommendations from the assessment and validate the overall outcome. The report describes the approach, process and outcome of the validation workshops held in Tamale and Accra.

2.0 WORKSHOP PROCESS

The validation workshop was held at both the regional and the national level. The target participants for the regional level workshop were the stakeholders in the project area and project beneficiaries. They were drawn from both the formal and informal institutions involved in land administration in the project area as well as from community groups. In all cases, participants were drawn from the four (4) traditional areas that fall under the project area, namely, Gulkpegu traditional area in Tamale; Damongo Traditional Area; Bole Traditional Area and North Mo Traditional Area in Bamboi. The stakeholders included the Traditional Authorities, CLS Coordinators, and Representatives from various communities, Farmer Based Organizations, NGOs, the District Assemblies, the Regional Land Sector Agencies and the Media.

At the national level, the forum was held in Accra. Unlike the regional level, it targeted mainly institutional stakeholders and policy makers in the land sector. Participants were drawn from the Ministry of Lands and Natural Resources, Members of Parliament representing people from the project area, the Lands Commission, the Office of the Administrator of Stool Lands, AGRA, the Land Administration Project, private consultants, CICOL, Policy Fellows for the Ghana Land Node, the Ghana Policy Hub, other Nodes and the Media¹.

In each workshop, findings from the assessment were presented to the participants after which questions, comments, inputs and feedback were invited from the participants. Questions were clarified by the facilitators of the workshop while comments and inputs were acknowledged. These were documented and are presented below for each workshop.

¹ The full list of participants is attached as appendix 1

3.0 SUMMARY OF STAKEHOLDER INPUTS

3.1 REGIONAL LEVEL WORKSHOP-TAMALE

3.1.1 Questions

- Did the study identify structured institutions for land governance at the customary level that were clearly defined, recognized and used by the people?
- If these institutions existed and were identified in the assessment, what relationships were found to exist between them and what levels of capacity do they have in terms of control and administering land in the traditional area?
- Have steps been taken by Government to produce a Legislative Instrument to back the authority and operations of the CLSs in the various traditional areas throughout the country?
- Beyond using the land for their own purposes, do the usufructuary rights holders have the capacity to also give out certain rights in land?
- At what level is gender going to be mainstreamed in the risk assessment and the entire project?
- In the context of the discussion on land tenure risks, what do we mean by land ownership?
- Ranking for Ghana from the World Bank work on Land Governance Framework was shared as an example of the tool that will eventually be developed and applied to the region and Ghana as a whole to track land tenure and property rights risks. In the example, Ghana scored 'D' on the indicator on law enforcement. This showed Ghana was not doing well as compared with other countries as so a question was asked why Ghana fared badly on that indicator.
- Are there any laws in Ghana on how proceeds from the 'sale' of customary lands should be shared among the interested parties?
- From the study, was there any case of families having the mandate to transact land on their own by giving out land to potential users?
- What are the weaknesses in the draft guidelines on large scale acquisition that needs review?

- In the wake of the current findings from the risk assessment, what recommendation did the study provide to curb the activities of the Fulani herdsmen as their activities are increasing becoming a nuisance to majority of farm lands in the Bamboi Traditional Area?
- What land documentation does rural farmers as well as farmers in the urban periphery need in order to secure their lands?
- Can building permits be granted before obtaining a lease document?

Each of the questions was addressed by the facilitators.

3.2 Comments and Suggestions

a. Based on the findings presented, some farmers and opinion leaders suggested to the traditional authorities to be careful when giving out land, releasing large portions of the land to strangers as the consequences in future can be very serious.

b. The Choribang Family Lands Issue

As posited by Mr. Jeremiah (CLS Coordinator for Bole Traditional Area)

The issue of family lands in the Choribang community appears to have been misrepresented. There are clear customary guidelines in the Choribong community as to who has the capacity to give out land, who should sign and to whom revenues accruing thereof should go to. The customary arrangement relating to the land in Choribang is that the local chief has the mandate to allocate land to members of the community and give out various customary rights without recourse to the Bole Chief. However, in case any documentation is to be done regarding such acquisitions, the Chief of Bole is the one to sign. Due to this arrangement, all the lands that have been given out in Choribang have no documentation. The community members settle with the oral arrangement with the local chief, even though Bole is not far off from Choribang. The local chief at Choribang however, has no authority to give out leaseholds. Any acquisition of leasehold will have to be transacted by the paramount Chief at Bole.

There appears to be an individual in Choribang who has taken control of all land in the Choribang area and is allocating land without recourse to the Bole Skin. Due to the manner in which this individual gives out land, the planning layout for Choribang has been messed up, causing so much trouble for the land users in the community.

Clearly not happy with the information on Choribang provided in the assessment report, the Coordinator of the Bole CLS emphasized that the fundamental question to be concerned with is to know if there is a widely acceptable and recognized system of land acquisition in the various traditional areas and communities and if so how effective are they in executing land administration? This line of questioning will help identify the areas where the system has been messed up with and what is being done to rectify the situation. Without this kind of analysis the team is likely to be given wrong information.

Reactions by the Facilitators to the Choribang Family Lands issue (Dr. John Tia Bugri and Mrs. Nana Ama Yirrah)

Much as the enlightenment on the case of Choribang was acknowledged the following questions are worth considering;

- Of all the communities in the Bole Traditional Area, why were the people of Choribang alone given that authority to transact the land?
- When was this arrangement instituted? And is there any documentation on it?
- What will be the outcome for land users who have acquired leaseholds from the Choribang family without recourse to the Bole paramouncy, especially at this point in time when the Bole Chief is seeking to intervene in the situation.

- Lands Commission should be decentralized and made more visible to the people to facilitate registration and make permit clearance in the rural areas easier and faster. One way to achieve this is to train the staff of the CLSs to support the Lands Commission activities in the various traditional areas.

c. Confirmation and validation of existing conditions for registration of usufructuary interest in land
Representatives from the Ministry of Lands and Natural Resources confirmed the findings on the truncation of the usufructuary interest to a leasehold interest if registration is desired by a usufruct holder. It was indicated that the issue had been discussed at length during the design stages of LAP I. The discussion centered on establishing appropriate terms and conditions that will allow for the registration of the usufructuary rights to create marketable rights out of the usufructuary interest. Traditional Leaders feared this might diminish their control over the subjects and so did not support the discussion. This reaction by the traditional leaders affected progress and eventually brought the discussion to an end. This is an important issue that needs to be brought again for discussion if smallholder farmers are to benefit from documentation of land rights.

d. It was suggested that the project team should clarify what is meant by land tenure security as used in the project and widen the discussion on mechanisms for enhancing tenure security. It can be defined in terms of the individual perception of the land rights and the extent of freedom in exercising those rights. But of equal importance is the recognition that comes from the community/society. It is therefore important to recognize that improving documentation on land may not necessarily be the only strategy for enhancing land tenure security. The social endorsement is very important and so it will be important to document the various social mechanisms for securing land rights in the project area. Atonement of tenancy for example, is also a means of securing tenure and so should be included in the report.

e. There were different comments on the relative position of women on the land. While female participants thought women were disadvantaged, the representative from the Ministry thought

the description of women's disadvantaged position should be contextualized as that is not the case in all communities.

- f. It is important to acknowledge the different decision making channels that exist in different traditional areas in the Northern Region. Some communities have different layers of elders and chiefs presiding over decisions on land while in other cases, it is the overlord who directly presides over and takes decisions on every land transaction. It is important to document the various decision making channels in the different traditional areas.

For many people in the northern region, there is confusion between compulsory acquisition and vested lands. This confusion stems from the experiences the people in the northern region had from 1902 when the colonial administration through the Administration of the Northern Territories Ordinance vested all lands unto the Government. The vesting was in place until 1979 when under the Limann Government, the lands were de-vested, giving control of the land back to the people. For many, the de-vesting implied government giving back every land that had been previously taken over, including those that had been compulsorily acquired. This led to widespread encroachment on state lands in the region. Some chiefs have also encroached on state lands because they believe the state took more than needed for the public interest or in other cases due to unpaid compensation. Other causes of conflict are non-utilization of acquired lands and government acquisition.

- g. There were comments also on the report that compensation amounts were inadequate and not paid timely. It was explained that under the current compensation regime, valuation rates are reviewed yearly and are made to reflect current economic values. Even in cases where payment is arranged long after acquisition, valuation is expected to be done to reflect the values at the time of payment and not the time of acquisition. When done correctly, compensation amount should therefore reflect the true value of what is lost to the land user.

The challenge which the report should focus on is in the fact that the law does not allow for the land itself to be valued for compensation. Only crops are valued and this affects the amount the farmer gets.

- h. The assessment presents the case of large scale land acquisitions as negative. While there have been cases of negative socio-cultural effects of some large scale land acquisitions, the report should be reviewed to present a balanced view of the economic benefits that come from such large scale acquisitions, especially for the people in the northern region where large tracts of land remain unused. Some of the challenges from large scale acquisition have resulted from the unclear boundaries and resulting tensions between communities and the limited capacity of traditional leaders in negotiating such large scale acquisitions.

- i. The Land Sector Agencies also do manage land conflicts through ADR and so should be acknowledged in the report.
- j. Strengthening of CLSs to be financially sustainable and capable of managing lands under their jurisdiction is critical in empowering customary land institutions to deal with government at arm's length and protect the local interest.
- k. Recommendations on capacity development need to go beyond workshops and one-off training programs. It should focus on a more sustained support delivered in different settings continuously. It should also provide specific capacity requirements for the different actors and not a wholesale capacity development program
- l. There is evidence of the influence of political decisions on land tenure security in the northern region. This has occurred in areas where political boundaries are re-demarcated for the creation of new districts.

The assessment also need to acknowledge on-going government projects in the study area that deals directly with land and the impact of such projects on the tenure security of smallholder farmers as well as the livelihood of rural people. Recent land projects in the region include the Savanna Accelerated Development Authority (SADA), which focuses on agriculture and small holder farmers.

4.0 NATIONAL WORKSHOP- ACCRA

4.1 Compensation of Dispossessed Usufructs

A participant sought clarification on Recommendations (4) of the presentation which stated; 'encourage policy within customary leadership to compensate usufructuary rights holders who are dispossessed'. According this participant, OASL collects ground rent which is disbursed to beneficiaries of which the district assemblies are the main beneficiaries to use their share for the development of their area. The usufructs that have been dispossessed form part of the community that benefit from the assemblies' projects. There should be no additional benefit to the individual usufruct holder?

It was clarified that, the compensation being recommended by the report is an addition to the fall out benefits from the district assembly interventions. While the assemblies' portion of the disbursed ground rent benefits the usufructs indirectly, the compensation will be a direct payment for being dispossessed of the land they currently hold and use.

4.2 Research Approach

There was also a question on the approach adopted in selecting the communities that were involved in the assessment. It was suggested that the criteria for selecting the communities should be clearly explained in the report.

4.3 Gender Disaggregated Data

There was a suggestion that data gathered should be disaggregated on gender basis. This will go a long way to enrich the report as gender is one of the central themes of the project and the assessment in particular.

4.4 Complement Laws with Dialogue

There was a concern about the recommendation on planning laws that allow for participatory land use planning which facilitate better access to land. It was observed that most of these laws are hardly complied with. As such, there is the need to complement these laws with public dialogue and also appeal to the traditional authorities to comply with the provisions in the law.

4.5 Role of CLS in farm land documentation

There was a question on what the defined roles of the CLS are and the reason why they are unable to undertake farm land documentation.

4.6 Prioritization of Recommendations

It was suggested that the recommendations outlined in the report should be prioritized into high, medium and low priority recommendations. In addition, the recommendations also need to be made more comprehensive by stating the specific intervention required and the institution to lead.

4.7 Bills in draft form still provides opportunity for node's input

The Node was reminded about the need capitalize on the land related bills still being in draft to make constructive inputs on the way forward. It will be a key value addition.

4.8 Adopt a Continuous Approach to Capacity Building

The Node was also advised to design and implement continuous capacity building programs with the necessary monitoring and evaluation mechanisms. This has proved to be more yielding than the one-off approach.

4.9 Call for Sharing of Information and establishing formal linkage with LAP

The LAP representative present at the workshop expressed appreciation for the information shared on the northern region and expressed the interest to establish formal relationship with between the node and LAP to allow for a more sustained collaboration.

4.10 Collaboration with GHIS

Recommendation 3 of the presentation stated; 'Explore less expensive alternatives to current survey requirements and costs for recording land rights at the CLS'. A participant sought to know if

the node has established any collaboration with the Ghana Institution of Surveyors as they are in the best position to show the way forward under this recommendation.

5.0 CONCLUSION

A number of media houses were invited to both workshops. These have publicized the workshop sessions, including the interviews granted by the team.

A formal letter has also been sent to the LAP secretariat seeking collaboration between the node and the project.

Participants in both the regional and national workshops expressed the desire to have the complete land tenure risk assessment tool that will help track land tenure risk assessment factors, monitor progress in the different indicators and prepare relevant strategies to intervene. It was suggested that this will be particularly useful to the CLSs.

Appendix

Appendix 1.0: Land Tenure Risk Assessment-Validation Workshop Participants Lists, Northern Region, Tamale.

No.	Name	Designation	Contact No.	Email Address
1	G.K.Nsiah Kabatey	Coordinators CLS Bamboi	0203689918	
2	C.K Cheranqua	Community Member Bamboi	0272942412	
3	Janet Saka	Cashew Farmer Bamboi	0272939688	
4	Nnaa Akongbon Kenton II	Chibrinyor Koko (Chief)	0202191767	
5	Wuche Ewura	Cashew Farmer Bole	0242625795	
6	Matthew Konde	Mason, Bole	0242625795	
7	Fuseni Abukari	Farmer, Tamale	0242057035	
8	Hasiya Saliyu	Assist. Director & Gender Desk Officer	0549614985	
9	Alijata Haruna	Gender Desk Officer, Damongo	0243389534	alijataharuna@yahoo.com
10	Sophia Kudjoe	Cashew Farmer, Damongo.	0243604857	
11	Baba Y. N. Swaliha	District Director MOFA, Bole.	0203140433	babaswaliha@gmail.com
12	Damongo-wura Tutunba II	Damongo	0244368967	
13	Mr Diwura Wari	Damongo	0243960324	
14	Lermu Mark M.	CLS Coordinator. Damongo	0244992717	
15	Waliyu Hassan	Metro Tv	0242534339	
16	Isaac Nongyu	Metro Tv	0246711162	
17	Samachi Abu	Tv 3	0243195260	
18	Mr Zak Iddrisu	Tv 3	0244542753	
19	Ratik Abdullia	Kesmi Fm	0208202382	
20	Lawrence K.E Fynn	District----- Officer Bole	0509313253	fynnlawrence@yahoo.com
21	Gbeli Cynthia K.	Gender Desk Officer, Bole	0246451062	cynthia.gbeli@rocketmail.com
22	Julius Gemegah	DDDA	0243389652	JTUNUS2@YAHOO.COM
23	Jeremiah Seidu	Project coordinator	0244409552	jeremiah.seidu@yahoo.com
24	Yakubu Staphen	MOFA Metro	0244214508	
25	Iddrisu Mashud	Vegetable Farmers Association	0240508499	mashudgh12@yahoo.com
26	Mathias Kojo Ayensu	MOFA - RADU	0243179530	ayansumathias@yahoo.com
27	Osei Owusu Peter	Lands Commission	0244633902	peteroseiowusu@yahoo.com
28	Braimah Andrew	Kotingli	054362565	
29	Ibrahem Alhassan	MPO	0244082287	
30	Zakaria A. Rashid	Director	0244407627	zakariaurbanteghana@gmail.com
31	Mohammed Rashad Abdwan	Gulkpegu CLS Coordinator	0244872814	yaamaamaani@gmail.com
32	Fuseni Alhassan	TCPD	0208289996	
33	Alidu Baba	GBC	0246280602	
34	Braimah Justice Sulley	Bole Wura	0244703685	jbsulleyjuga@yahoo.com

35	Pamela Sandoh	WIAD	0242179268	sandohpomela@yahoo.com
36	Franklyn O. Obiri	OASL	0207339887	frankthes@yahoo.com
37	Daniel Laryea	GTv	0244798626	
38	Gabert Gawu	GTv	0242547813	ggawu@yahoo.com
39	Nathaniel Quarshie	GTv	0243503011	
40	Tarakida Vicor Sampson	DPO (WUDA)	0242987726	
41	Ibrahem Rafui Dawuni	Diamond Fm	0261121190	ibrahimrafia@yahoo.com
42	Zikiru Sulley Shittu	Metro Director, TCPD.	02445478413	zikirusulley@yahoo.com
43	Kwabena Ntow	Peace Fm	0208220046	Cobby.ntow@yahoo.com
44	Zakaria Abukari	Graphics	0244223511	gbangbanzak@yahoo.com
45	Braimah Abukari	Gulkpegu Waluru	0244872814	
46	Yakubu Amadu	Gulkpegu Gunda Naa	0244872814	
47	Iddi Alhassen	Gulkpegu Kpihigi Naa	0244872814	
48	Baffour Zakaria kwasi	OASL	0244424603	bafza@yahoo.com
49	Gideon Cofie	Discovery	0572521032	
50	Tofic Agombi	Bishaba	0263431585	Agobi200@yahoo.com
51	Ibrahim Alhassen	Zach Fm		
52	Alhassan Dramani	Chief of Kanvilli		
53	Inusah Alhassen	Varegri Naa		
54	Kukuo Na	Chief of Kukuo		
55	Naporo Kambori	Chief		
56	Issah Tampuli	Chief of saha		
57	Alhassan Hassan	Kanvilli		
58	N. Koni	Discovery		
59	Hasan Hasan	Kanvilli		
60	Ahmend Abdul Ahmend	Kanvilli		
61	Kinyilli Razak	Kanvilli		
62	Faisal Ameen			
63	Nasara Wundabli			
64	Inusah Raman koli			
65	Wumpini Mohammed			
66	Kukuma Suray			
67	Alhaji Nyari		MLNRs	
68	Sulemana Mahama		MLNRs	
69	Rene Dogbe		MLNRs	

Appendix 2.0: Land Tenure Risk Assessment-Validation Workshop Participants Lists, Accra

No.	Name	Designation	Contact No.	Email Address
1	Charles Mensah	AGRA Market Policy	0243301973	Swil_men@yahoo.com
2	Ophelia B. Kusi	Knowledge Manager	0246659589	ghanapolicyhub@gmail.com
3	Sarah Antwi Boasiako	LAP	0204352807	Gyamfua004@yahoo.com
4	Susuana Ayettey	OASL	0244212037	susuanaayettey@yahoo.com
5	Samuel Amanquah	AGRA	0264770230	amanquah@agra.org
6	Nana Afranaa Kwamong Asante	AGRA	0541849325	naranaa@yahoo.com
7	Jonathan Thompson	GBC Radio	0271611198	fot451000@yahoo.com
8	Norteye Rose	CKOL	0206440007	rosequis@yahoo.com
9	John Baptist D. Jatoe	University of Ghana	0241523365	jjato@gmail.com
10	David Attoh	Metro Tv	0206620475	---