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Customary Land Access and Accountability in Ghana: Effects of Land Allocation Practices on Local Livelihoods

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Introduction

Given its contributions to growth and economic development variables and the heavy dependence on the sector, agriculture becomes the surest way to achieve the millennium development goal of halving poverty and hunger by 2015 (WDR, 2008). This is however attainable to the extent that access to land becomes equitable and unrestricted. While access to land provides one way to effectively negotiate improved livelihood and exist out of poverty, about a quarter of the world's population is estimated to be landless, the best predictor of poverty and hunger.

As a fundamental livelihood resource and a symbol of wealth land is a vital tool for poverty reduction in developing countries (WDR, 2008). Despite this, ongoing transformations in the land sector of sub-Saharan Africa have had significantly important implications for farming livelihoods. This has the potential to threaten the sustenance and survival of many marginal (migrants, women, and youths) and poor people. Although poverty levels are said to be decreasing throughout Ghana (GPRS I, 2005), the reality of the situation in rural and peri-urban communities is still an open question. To sustain the gains made proponents of the so called *evolutionary theory of property rights* (Platteau (1996), argue albeit theoretically that land titling led by the state is critical for the growth of the economy and reduction in poverty. In practice this has been found to have worked the opposite direction. The hitherto egalitarian customary system has been affected by the transformation.

Studies have shown that while changes in customary land tenure systems seem to confirm the individualization of land rights, little has been broached in the literature, concerning the effects of such shifts in land allocation practices, eroding of land rights and disruption of livelihoods strategies of marginal people, whose total survival depends on land and related activities. In the absence of any significant alternative livelihood sources, in an environment where poverty is high, alternative employment besides farming is absent, and land sold or appropriated by traditional land authorities is unaccounted for, the smallest portion of land taken away from the already marginalized and poor becomes a subject of significant concern. In the heat of these discussions, this paper looks at the relationship between dispossession of marginal people from local land and its impact on their livelihoods in two farming communities in Ghana. This paper fills a research gap by contributing to addressing the question of why chiefs and heads of families are still able to use some excuses of marginality of land and quest for money for development to trade off local farmlands or allocated to the more powerful people despite the

presence of state policies to enhance accountability and accessibility of customary land to marginal people in agro-based economies.

Land holding, precarious access and insecure tenure arrangements

About 80 percent of the total landscape of Ghana is managed by traditional leaders. Access to land is primarily derived from social networks of kin, kith, marriage and community through social process of negotiations. This is applicable even in cases where people hold *de jure* rights to land. In recent years, however, communal land custodians; chiefs, family, clan and household heads are all selling lands that belongs to collective social groups with unconvincing and illegal excuses. Access to land is embedded and has become precarious and insecure, leading to dispossession. In cases where communal land is exchanged for money, custodians of such lands rarely account for the collection and use of such money. Such forms of dispossession are critical for the sustainability of agriculture and employment of local marginal people.

Effects of misallocation of land, if not corrected could have serious repercussions on marginal people, and their potential to ascent out of poverty. These are discussed in two empirical case studies selected different location in Ghana- a rural and peri-urban. It explores and explains how land allocation and tenure arrangements in the two sites have been transformed and the impact of those transformations on marginal people. While the first case focuses on challenges of holding traditional leaders accountable during conversion of agricultural lands into non agricultural lands, the second examines how some nuanced factors and conditions of recent emphasis are used to exclude people from communal land and the benefits that accrue to right holders. It shows how the 'passivity' of marginal folks resulting from adherence to customary dictates has kept them not complaining and suffering hardships.

Methodology

The study uses both qualitative and quantitative primary data collected from Manya Krobo, the rural community and Kasoa, a peri-urban area. The choice of these sites was informed by the extent poverty and heavy dependence of the people on land and land related activities as the only means of survival. Specifically, using data obtained ethnographically, survey, in-depth interviews (IDI), and focus group (FG) discussions, participant or personal observations, case studies in the analysis. A review of literature/policy documents was done to support the primary data.

Case study 1:

This research examines land administration governance by chiefs in Kasoa. The focus is on identified cases of conversion of agricultural land to residential lands, as an emerging form of 'reverse land-grabbing' in 5 selected communities.

Land in the communities is family owned as well as communally owned but under the trusteeship of the chiefs. However, since the 1990s there has been an increase in terms of re-allocation and conversion of farmlands to residential lands by both individuals and chiefs with the later being highly involved.

Indigenes and in-migrants encounter differing experiences in issues of land acquisition and use. In the studied communities, while in-migrants are more likely to lose land they acquired on arrival, indigenes are equally no longer assured of secured land titles due to dynamic processes of land marketization championed by chiefs and family heads. This practice has largely increased land conflicts in the area. Local controls on chiefly land administration consist of checks on chiefs' administrative powers through a council of elders (family heads and sub chiefs make up this council) who are required to advise and get involved in decisions on dispositional and allocation of lands. It was identified during the study that most of the sub chiefs and family heads are taking part in the selling of lands instead of heeding to the plight of the people. It was

found out that most of these elders have been corrupted and abuse their authority to also gain substantial income from land sales.

Government and donor initiatives to enhance accountability mechanisms in customary land management, such as the Office of Administrator of Stool Lands (OASL) and the Customary Land Secretariat (CLS) exist. But chiefs use various means to legitimize their community farmland conversions through, for instance, by making reference to outdated customary laws and the adapting to vagaries of rapid urbanization that is out-stripping the pace of town planning initiatives. One chief in Ofaakor argued that:

“Our fore fathers could not sell the land in the past because it was in abundance hence people could acquire it anyway. These days as chiefs we would like to meet the demands of the people and that is we are having many people working in Accra who would like to live in our peaceful communities. So if they want to buy land we need to give them. They are also Ghanaians”. (Interview, 12th October 2009, Ofaakor)

Most of them are profiting on skewed attention to selling unused farmland for better usage according to them.

However, these land transfers and actions by chiefs have an impact on the livelihood of families and the community at large. The real losers in the communities are those with little or no employment options outside agriculture as most of the jobs available during conversions are building constructions which requires skills like carpentry and building which most of them do not have. There are however some individuals who have benefited from conversions and from the changing livelihoods and these are the chief or landowners themselves, some women and some youth who have acquiring skills in building construction.

It is interesting to note that women have been positively affected. Due to the commercialization of land, women, excluded from traditional forms of land ownership can now access land based on their financial strength. However, prices of foodstuffs have increased as they are now being imported from other regions. As such the poor cannot compete with the ones who have regular salaries.

Case Study 2:

Theoretical right of access to land in rural Manya Krobo is linked to social relations. Land is said to be held by the living and dead, to the extent that the customary system sees every individual belonging to a land owning group (clan or extended family) as a right holder. Management of such community lands is however delegated few people, referred to as elders (not necessarily as in age but based on some social attributes including management of land relations as well as knowledgeability of and the use of social rules, determined by the elders themselves to settle social disputes amicably). These elders are mainly men as women are considered as secondary citizens who are to be silent when it comes to local land issues. This and other customary norms, have concentrated authority and power in the hands of these elders and a few wealthy and more powerful people, to oversee and make decisions concerning family lands. It is believed that since they did not participate physically in the wars for land, clearing of the forest and are married and protect by men as part of men's property, women have no right to discuss or own land issues.

Manya Krobo is an old agricultural frontier, where oil palm and cocoa production in Ghana for export was pioneered. In spite of these, development in this area is not anything to write home about. The forest landscape of the area is progressively becoming a thing of the past, with no single commercial palm oil or cocoa tree in sight. The study showed that a large cross section (45-70%) of a sample of 357 interviewed mainly young and poor people, migrants and generally women expressively indicate their willingness to stay in the community and farm as a source of livelihood. They however, faced increasing restricted access to farmland, owing to the land market development, howbeit disguised emerging in the area. This has resulted in a high level of exclusion and other social instability, and thereby constraining agriculture, the only

occupation upon which local people depend for their survival and sustenance as well as improvement in their wellbeing.

They complained that apart from the dominant forms (gender, ethnicity, statuses) of exclusion from land, other *de facto* rights such as high land rents, age and other (trivial) social factors such as disrespect, irresponsibility, idleness, poor reputation, poverty, commoner, talkative among others which in actual fact may not have any connection to on productivity are been used to deny marginal people, access to land. Many of the people complained about the difficulty to gain access to land. They claim their inability to gain access to land has more to do with the 'new' rules (which are not necessarily new in the community) and defined by elders to exclude them from a communal resource rather than their age, gender or ethnicity.

Access to land is based on relations of power, inequalities, wealth and positions inherent in customary systems than *de jure* rights. The use of monetary rewards or power in exchange for land is increasing and replacing social mechanisms, which applied in the past. This has created winners and losers in a community of relatively blood related people. The 'haves' are able to gain while the 'have not' are continually losing access to land. This creates polarization between the elders who prefer to hold on to land as a source of power and the marginal groups who need land for farming, and as sources of income, livelihood and means of poverty reduction.

A way out of this situation is resistance to local leaders and their activities. The embedded nature of unequal relations of power, lack of youth development groups and community movements in the study area have however contributed to hushing voices of marginal people. They are unable to 'fight back' for belongs to them- rights to land. Government intervention in needed but this should be based on local institutions if it is to be successful.

Conclusion

The importance of land to all social actors is clearly demonstrated, even though the interests of people in land are not the same. Land is not a mere physical asset for production and source of livelihood but one that commands power, which is the contested issue in local communities. In the context of increasing scarcity value of land and the emergence of a land market, elders who traditionally controlled land, are less likely to share or give out their power over land. The inability to break away from these power relations, also create rifts between local elders and youth mainly, putting agricultural production in a terrible position, and paving way for more poverty and destitution

References:

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