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Wilbert Tengey is a Rural Development Specialist with over 20 years experience in social policy development, programme planning, development and management, strategic planning, and institutional capacity building. Wilbert is the founder of the African Center for Human Development (ACHD), a growing development organisation in Ghana, and has been its Executive Director for the past 20 years. In the field of development consulting, Wilbert has provided professional advice and services to a wide variety of agencies and international organisations, as well as NGOs in Ghana and other African countries. Wilbert is also the founder of GDI, which advocates gender equity. He has worked in several African countries, and has a network of professional associates all over the world with whom he maintains strong contacts.

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Gender relations, rural women and land tenure in Ghana: A communication nightmare

Introduction

This article looks at the rural land tenure system in the forest zone of Ghana, the negative effect it has on the livelihoods of rural women and what can be done to fight this injustice in view of the communication blackout.

In an agrarian economy such as exists in Ghana, one of the main factors which creates and sustains poverty is insecure access to land and other productive resources. Poverty trends and patterns in many parts of the country point to a “feminization of poverty”. In other words, the largest group of society affected by extreme and severe poverty is women. Feminization of poverty has been attributed mainly to the unequal access of women to productive resources and economic opportunities and its consequences.¹

However, there are many other factors which together work to give women a glaring disadvantage within a male dominated and controlled social set up. Studies have shown that women’s experience of greater levels of poverty can be related to their heavier time burdens and high illiteracy rates (54.3%). Studies carried out on women’s workload show that women work harder and during longer hours, both in and outside the home, than men. They are also obliged to spend a great deal of time not only working in the family enterprise but in the nurture and rearing of children and in important household tasks such as cooking and fetching water and fire wood.

Women’s life cycle changes also lead to accentuate their vulnerability to poverty. In particular, women with limited access to labour, such as widows, aged women, childless women and those with young disabled children, are more likely to be looked down upon by society and thus more likely to experience extreme levels of poverty. Increasing numbers of female-headed households, especially in the rural areas, are classified in the lowest levels of poverty groups. These are self-employed women with little or no education and with low access to credit, health care and the decision-making process.

Women bear a disproportionate share of the burden of being poor. All the above factors contribute to limit the ability of women to effectively access their land rights, so as to enhance their productivity and their livelihoods. As if this social situation is not bad enough, rural women especially become victims of a complex traditional and legal system, developed within a male-dominated patriarchal system, which controls and dominates land, normally intended for the benefit of all in society.

Land tenure defined

Land tenure systems, in broad terms, define the relation of man to man in the **use** and **occupancy** of land. In more specific terms, land tenure systems are the customary, legal or otherwise institutionalized relationships between government, society groups and individuals regulating the ownership and control of land, and the rights and duties accompanying such relationship.

In Ghana, gender and kinship relations play a central role in the way in which land rights and productive relations are determined. Under the customary land tenure system, control over resources follow clearly defined gender-segregated patterns based on traditional norms which operate in such a way as to limit the rights of women as compared to men. To a large extent, women’s access and control over productive resources including land are determined by male-centred kinship institutions and authority structures which tend very much to restrict women’s land rights in favour of men. In principle, customary norms in both matrilineal and patrilineal kinships are designed to ensure that women are not arbitrarily deprived of basic resources for their productive activities. However, the lopsided control that men exercise over decisions concerning the allocation of resources at home and in the public sphere, give room for bias.

Almost everywhere in Ghana, modes of land acquisi-

tion and tenure arrangements are founded on the customary right of men to inherit and control land, according to which they may inherit land directly from male relatives of either their father or mother. Women, in contrast, have to look to their husbands or to their own families for farmland, although women from matrilineal lineages are able to inherit land from a wide range of relations.

Ghana maintains a plural system of land tenure. The complexity of land rights and tenure systems is the result of the co-existence of different systems (customary laws, statutory laws, constitutional provisions and religious laws). The co-existence of these plural systems regulating land in Ghana has presented special difficulties for the more vulnerable sections of society, including rural women and the urban poor. The majority of rural women rarely have access to formal legal procedures due to the complexity and cost involved and their lack of awareness of where to seek help from.

As a result, their rights exist in a state of “legal limbo”, which places them in a position of considerable insecurity with regards to their land rights. Lack of access to relevant information and the extremely complicated land documentation procedures leave women little chance to assert their land rights.

Women’s access to land

Even though both women and men can gain various categories of land rights through their membership of land-holding groups, rights so gained have to be exercised through processes and practices such as clearing land and paying customary obligations. Often rural women are less able to fulfil these conditions. For example, the clearing of virgin land which gives the use-right is a role traditionally assigned to men, thus precluding the majority of women from acquiring the usufruct of virgin land belonging to their lineage. Thus women are deprived from having access to land because of factors including the gender division of labour and customary norms.

Experiences from the field have shown many reasons (customary and social), why women do not enjoy equal access to stool (clan / lineage) land as men. These include:

- Marriage, and its related domestic obligations, in practice reduce the chances of women to acquire land. Under customary law, a woman is under an obligation to assist her husband on his own farm. This, coupled

with her excessive domestic obligations, effectively reduces the amount of time and effort she can spend developing her own farm. After some time she loses control and use of the land.

- Traditional gender patterns in Ghana associated with the division of labour place land clearance in the hands of men, thus giving them priority in the original possession and acquisitions of the usufructuary interest. The men clear the virgin land, and the amount they are able to clear becomes their own to use and farm on. Women have little such opportunities.
- Land is normally allocated on the basis of ability and means to develop, such as financial resources, which women tend not to have. Since women tend to have a relatively lower ability and means to develop land, allocation of land tends to favour men as compared to women.
- The emergence of permanent cash crops, such as cocoa, timber, palm fruits and coffee, which require longer use of land as a profitable and dominant enterprise, equally gave preference to men, who tend to be economically more empowered to engage in it. Thus women’s access to cash crop agriculture becomes limited.
- Although traditionally land is not a saleable commodity, in some communities in the forest zone stool and lineage members have been replaced by rich farmers and multinational corporations, who are able to pay stool occupants large sums of money for vast portions of land. The women do not benefit from the lost land, nor from the revenue accruing from the farm. Here too, women become “double losers”.
- Constraints on women’s access to land and the insecurity of women’s land rights also tend to be heightened when land becomes increasingly scarce and men’s land holding come under pressure. Under these circumstances, men appropriate the lands given to women, because there is hardly any record to prove the women’s transaction in the first place. This is a bullying tactic used by men to enrich themselves.

Insecurity of women’s land rights

- The stability of a marriage and good relations with male relatives are critical factors in the maintenance of women’s land rights. A married woman may gain access to land with the permission of her husband, but she may lose her land and crops after a divorce or upon the death



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of her husband. This may also apply to young widows who fail to cooperate with their in-laws after the death of their husbands.

- Women's rights to land obtained through marriage may also change if the husband remarries under a polygamous arrangement.
- Contractual arrangements of land for women give them no security either. Share-cropping as a source of land for women is largely problematic. Many women share-croppers complain about the arbitrariness of male landlords to change the terms of the tenancy at will, in

a situation made easy for them by the verbal nature of many of the arrangements.

- Share-cropping arrangement terms where a tenant (usually a woman) works on the land and shares the produce with the land owner (a man) have been found disadvantageous to the women. The increasing farm practice is turning over half of the crop to the landlord, as opposed to the former one-third and one-fourth practice.
- One important traditional channel for women to own land is the transfer of land as gifts from family or





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spouse, which usually requires the person making the offer to get some people to witness the gift transfer. The donor then accepts a “drink” of thanks from the beneficiary to conclude the deal. The important point is that women have rights of disposal over such land. But this practice is commonly associated with export cash crop or other cash crop areas. In most cases, men have challenged the existence of such a deal and the woman becomes the loser.

- Compulsory acquisitions of land by the State do not make any express provision with the people whose interests are affected by the acquisition. Women tend to bear a disproportionate burden of the impact of such indiscriminate compulsory acquisitions without the payment of adequate compensation. The law in its current state does not recognize usufructuary interest in land as compensatable interest. Usufruct holders are only entitled to be paid for the value of the crops on the land. This is totally unfair, particularly in the rural areas where women tend to be almost entirely dependent on land for their livelihoods and have few options when deprived of their land. Women also tend to have the lowest voice when it comes to issues of land management, allocation of compensation money and land alienation procedures generally.

Information and communication strategies to tackle the problem

With poor information on the core problems and the inability of poor rural women to properly organize themselves, there is a lot of advocacy work to be done to tackle the issues at hand.

1. Initiation of pilot gender studies in major ethno-cultural communities. Customary principles and rules which regulate access to and control over land tend to vary from community to community. It is important that empirical evidence and gender disaggregated data are gathered through pilot studies, to ascertain and document the presence of gender biases on access to and ownership of land in Ghana.
2. Studies should be commissioned to investigate and ascertain the nature, incidence and variations of all kinds of customary law interests in land which exists in various communities. Innovative mechanisms for the documentation and recognition of such rights under customary law management systems must be derived.



This will enhance the security of tenure of such interest holders, especially women whose interests tend to be secondary.

3. Regarding compulsory land acquisition, the following should be done:
 - The State should consult all stakeholders before undertaking any compulsory acquisition.
 - Review the legal and administrative process for compulsory acquisition to make the women equitable beneficiaries.
 - Enforce the constitutional requirement of resettlement.
 - Recognise the rights of usufruct holders as interests worthy of compensation. Usufruct holders must be compensated for the value of their land and not the value of the crops on the land. This will ensure that community members are properly compensated and that whole communities are not dispossessed of their land and deprived of their means of livelihood, thus aggravating the poverty situation.
4. Free legal services should be established to help rural women assert their land rights within the existing legal and traditional structures.
5. Education campaigns should be organised to educate women leaders on the position of the various laws as regards their access to land. They in turn should organize different fora for their constituents.

6. National advocacy campaigns on radio, television and mass media should awaken the general public on the unequal access to and enjoyment of land rights by the rural poor, especially women.
7. Land issues should be discussed at all local, regional and national fora related to agriculture and socio-economic development of the people.

Conclusion

From the above, it is quite clear that land use rights are very disadvantageous to rural women. They suffer a lot in this regard, and this has increased the phenomenon of the “feminization of poverty” in Ghana. Due to the lack of investment of resources, rural women continue to be deprived of long term solutions to their very poor economic situation. The recommendations suggested will lead to some relief for women in the medium and long term.

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1. GPRS, Ghana Poverty Reduction Strategy, 2003 – 2005.
2. GLSS, Ghana Living Standard Survey.

