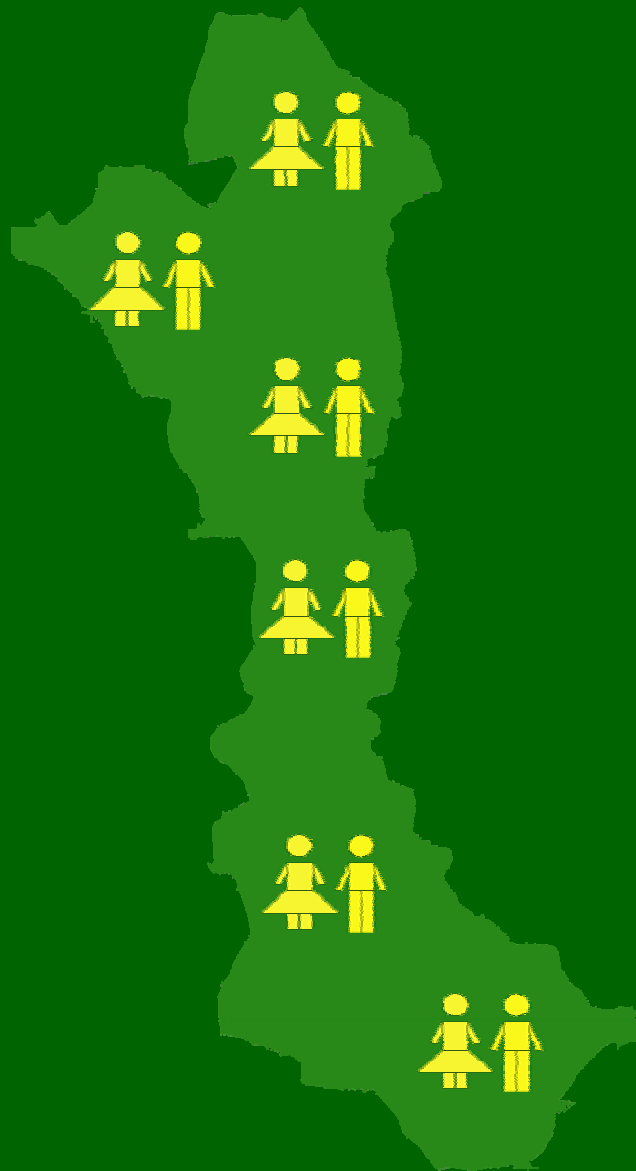


ACCESS TO AND CONTROL OVER LAND FROM A GENDER PERSPECTIVE

A STUDY CONDUCTED IN THE VOLTA REGION
OF GHANA



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**A STUDY CONDUCTED IN THE VOLTA REGION
OF GHANA**

**Beatrice Akua Duncan
Caroline Brants, co-author**



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“From my several years of working experience with women farmers of Africa, I can assure you that if the right environment and incentives were created for women farmers, and the problems facing them now were addressed, the sustainable end of hunger would be a reality”

A quotation by the late Dr. Esther Ocloo, award winner of the 1990 Africa Prize for leadership for the sustainable end of hunger.

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BEATRICE AKUA DUNCAN

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ACRONYMS

CBO	Community Based Organisation
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
FAO	Food and Agriculture Organization of the United Nations
FAORAF	FAO Regional Office for Africa
FIDA	Federation of International Women Lawyers
FORUM	Forest Production and Resource Management
GLSS	Ghana Living Standards Survey
GLR	Ghana Law Reports
LLV	Legal Literacy Volunteer
N	Number of respondents
NGO	Non Governmental Organisation
NT	Total number of respondents
SPSS	Statistical Package for Social Sciences
WiLDAF	Women in Law and Development in Africa

EXECUTIVE SUMMARY

This report is the outcome of a study undertaken on men and women's access to and control over land in seven districts of the Volta Region in Ghana. The study evolved out of a need for increased insight into gender differences in access to and control over land and the implications of insecure access to land for households within the Volta Region of Ghana.

The objective of the study was to obtain an improved understanding of gender-specific constraints that exist in the Volta Region with regard to land tenure. It was anticipated that such information could contribute to: (i) an enhanced decision making power of women in their efforts to obtain more secure access to land within the framework of existing legal, customary rights, regulations and practices, (ii) increased female utilisation of legal aid and other legal services, and (iii) improved agricultural productivity, of especially women farmers, and improved food security at the household level due to an increased security of land tenure.

This study confirmed that farming activities were the main source of income amongst the communities studied in the Volta Region, a region that is well known for the production of a wide variety of food and cash crops. A clear division of labour existed between men, women and children on the farms. Women had become more involved in farming activities after independence due to changes in the division of labour, their greater involvement in food crop and cash crop farming and their greater involvement in farming related trading activities. This did not necessarily result in a betterment of their socio-economic position or an increased control over their farming activities. It has, however, increased their workload and responsibilities.

Significant differences were observed with regard to women's and men's access to and control over land in the Region. These gender inequalities were largely ascribed to men's dominance in decision-making processes, their dominance in leadership positions within the communities and households, the advantages accorded to them by local tradition, custom and the patrilineal inheritance system, men's greater opportunities to acquire land, their relatively better financial position and the greater status ascribed to men by society. Most men and women had access to farmland, but their degree of access differed. Men often had full (primary) access rights to land and women often had partial or conditional (secondary) access rights to land. Differences in access rights were also observed between different categories of women. Widows with children and biological daughters had greater access to land than widows without children, stepdaughters, adopted daughters, women involved in a consensual relationship and physically challenged women. Furthermore, men had greater control over land than women as this was strongly determined by land ownership. Land ownership was largely vested in lineages, clans and family units and control over land was generally ascribed to men by lineage or clan heads. Landownership among women was still an exception rather than the rule, although land ownership among women had augmented due to an increased purchase of land by women and an increased receipt of land by women as gifts from parents, grandparents and/or spouses.

Both men and women acknowledged the fact that if women were to obtain greater access to and control over land, this would have a positive impact on the household food supply, household income and family welfare. At the same time, it was noted that if women were to effectively and substantially increase their agricultural productivity, they also required increased access to and control over other resources such as labour, credit, agricultural inputs, information and knowledge.

Regional differences were observed in men's and women's access to and control over land due to regional variations in demographic, social, economic, cultural, ethnic and historic developments. The study revealed that men's and women's access to and control over land in the Volta Region were affected by factors such as: gender, land ownership, the patrilineal inheritance system, local traditions and customs, decision-making powers, perceptions, marital

status, land disputes, demographic developments, the resource position of the individual, farming systems and agricultural commercialisation. Other factors such as knowledge of land legislations and education were expected to have a positive impact on men's and women's access to and control over land, but could not be proven by the study.

Existing legislation affecting land was seldom applied to the benefit of the communities studied, possibly because of their limited knowledge of the existing laws. Men generally had greater knowledge of the laws than women, although men also rarely had specific knowledge of the laws. The Interstate Succession Law and the 1992 Constitution of Ghana were the best-known laws, whereas the Administration of Estates Law was the least known law. Most laws seemed to exist mainly in name and on paper. The low level of knowledge of existing legislation affecting land explained to some extent why the registration of land and the drawing of wills were uncommon practices in a Region where land disputes were common. Most disputes were solved through customary methods of conflict resolution as opposed to the State court system, which was considered to be too slow and only necessary if conflicts could not be solved locally.

In order to increase food production in the Volta Region, as well as improve food security at the household level, strengthen women's capacities to defend their land tenure rights and to enhance women's access to and control over land within the context of natural resource management, it is recommended by the study to increase the security of land tenure, especially among women, and to address gender inequalities in access to and control over land in the Volta Region. This can be done by: (i) increasing the utilisation of existing land legislations, legal aid and legal services; (ii) strengthening women's capacities to obtain and defend their land rights; (iii) promoting gender equity in access to and control over land; and (iv) improving the socio-economic status of women. The recommendations are to be implemented by the Government, Development Organisations, Donors, NGOs, Civil Organisations, Traditional Authorities and Local Communities.

1. INTRODUCTION

This report is the outcome of a study undertaken on men's and women's access to and control over land in the Volta Region of Ghana. The study was conducted, between August 2000 and December 2001, by Ms. Beatrice Akua Duncan on behalf of the Ghana Office for Women in Law and Development in Africa (WiLDAF). It was commissioned by the SNV Netherlands Development Organisation - Ghana Office, and the Gender and Development Unit of the Food and Agriculture Organization of the United Nations – Regional Office for Africa (FAORAF).

Topics discussed:

- **Study context and objective**
- **Expected outcomes and activities**
- **Methodology approach**
- **Structure of the report**

1.1. Study context and objective

The study evolved out of a need for increased insight into gender differences regarding access to and control over land and the implications of insecure access to land for households within the Volta Region of Ghana (refer to annex 1 for a map of Ghana). Such insight would assist FAO in the development and implementation of sustainable interventions to increase food production and improve food security at the household level. In addition, it would support the SNV/WiLDAF Legal Awareness Programme in the identification of components for sustainable legal awareness programmes, aimed at strengthening women's capacities to defend their rights. The study would further assist the SNV Netherlands Development Organisation to identify issues for community awareness raising and action, with the aim of enhancing women's access to and control over land within the context of natural resource management.

The objective of the study was to obtain an improved understanding of existing gender-specific constraints to secure land tenure in the Volta Region of Ghana. Such insight could promote: i) enhanced decision making power for women in their efforts to obtain more secure access to land within the framework of existing legal, customary rights, regulations and practices; ii) increased female utilisation of legal aid and other legal services; and iii) improved agricultural productivity, of especially women farmers, and improved food security at the household level due to an increased security of land tenure.

1.2 Expected outcomes and activities

The expected outcomes and activities of the study were defined as:

1. Documentation of current legal and customary rights, regulations and practices that have an impact upon women's access to land in the Volta Region of Ghana;
2. Identification of gender-specific constraints with regard to secure access to land, which could be taken into account in agricultural and forestry development programmes aiming at promoting the full participation of women farmers in the programmes.
3. Identification of components for sustainable legal awareness training programmes, aiming at strengthening women's capacities to defend their land rights;
4. Identification of issues for community awareness raising and action to improve women's access to and control over land within the context of natural resource management and agricultural production.

1.3 Methodology approach

Data presented in the study were obtained through primary data collection (i.e. through distribution of questionnaires and focus group discussions) and secondary data collection (i.e. by reviewing existing literature on men's and women's access to and control over land in Africa, Ghana and the Volta Region).

The study focuses on three sub-regions differentiated within the Volta Region, namely: the Northern zone, the Central zone and the Southern zone. The two main criteria used for stratifying the zones were major crops grown and dominant ethnic groups residing in the area. Local-based Non Governmental Organisations (NGOs), such as the Forest Protection and Resource Use Management (FORUM) and SANKOFA, were contacted in the Region for advice on the selection of communities for the study. This was done based on significant characteristics of the communities. Researchers and personnel from the NGOs visited each community to assess the situation in the field and to consult with local opinion leaders and other key persons. Based on these visits, a total of 14 communities and 7 districts were selected (refer to table 1 and annex 2).

Table 1: Distribution of questionnaires; differentiated according to sub-regions, districts and communities

Sub-regions	Districts	Number of questionnaires conducted	Communities studied	Significant characteristics of the communities
Northern zone	Jasikan Kadjebi	35 66	Asato, Jasikan, and Ahamansu	<ul style="list-style-type: none"> • Presence of migrant groups • Prevalence of cash crop farming
Central zone	Kpando Hohoe Ho	33 38 28	Kpedze, Aloryi, Gbefi and Lolibi (Ashaimbi and Kumasi)	<ul style="list-style-type: none"> • Mixed migrant communities • Diverse inheritance patterns
Southern zone	Keta South Tongu	66 34	Abor, Anloga, Fievie, Agorkpoenu, Aloryi, Gbenorkope and Sogakope	<ul style="list-style-type: none"> • History of female land ownership • History of cross-border trading • Same clan marriages
Total		300		

Source: WILDAF Study 2000

An average of 100 questionnaires was administered in each of the sub regions through a targeted sampling process. The sample was sex determined (60% of the respondents were female and 40% were male) and age determined (60% of the respondents were under the age of 40 years and 40% were over the age of 40). This was done to obtain greater insight into women's perceptions of their access to and control over land and to assess both past and current developments with regard to men's and women's access to and control over land in the Region. The Statistical Package for Social Sciences (SPSS) was used to process and analyse the collected data.

Focus group discussions were held with traditional rulers, opinion leaders, teachers and community members to cross-check information obtained through the administered questionnaires, to collect additional information on trends observed, to obtain information from special groups within the societies studied (e.g. physically challenged women), and to start the process of advocacy and awareness raising among persons who could affect changes within their communities with regard to gender and land. (refer to annex 3)

1.4 Structure of the report

The report is structured as follows:

- **Chapter two** presents a compact literature review on land issues in Africa, Ghana and the Volta Region.
- **Chapter three** provides a profile of the study area and the target group, and discusses various characteristics of the agricultural sector in the Volta Region.
- **Chapter four** focuses on men's and women's access to and control over land in Volta Region.
- **Chapter five** focuses on the impact of legal and customary rights, regulations and practices on men's and women's access to and control over land in the Volta Region.
- **Chapter six** discusses the key findings of the study and presents an overview of factors that affect men's and women's access to and control over land in the Volta Region. Recommendations have been formulated to increase the security of land tenure in the Region and to address gender inequalities in access to and control over land.

2. LITERATURE REVIEW

This chapter provides a compact literature review on land issues in Africa, Ghana and the Volta Region of Ghana.

Topics discussed in this chapter :

- The role of women in agricultural production
- Gender division of labour
- Security of land tenure and poverty
- Security of land tenure and agricultural productivity
- Land reforms
- Relevant land legislation in Ghana and the National Land Policy
- Changes of customary laws as a result of socio-economic change
- Importance of kinship with regard to property distribution

2.1 The role of women in agricultural production

In the context of African development, access to land and other resources are key to basic livelihood and therefore a question of fundamental human rights. The domination of agriculture in most African economies suggests the importance of land as a basic tool of development and a significant determinant of income earning power. A World Bank study pointed out that women are at the core of the economies of Sub-Saharan Africa, comprising about 60% of the informal sector and providing about 70% of total agricultural labour (*Blackden and Bhanu, 1998*). Statistical data for Ghana show that women account for about half of the agricultural labour force and produce around 70% of Ghana's food crops (*Gender and Agricultural Development Strategy, 2001*). The World Bank study continues to say that women are the principal agricultural workers and food producers and are primarily responsible for assuring food availability in the family. However, their central position in economic production, attaining food security goals and meeting family nutritional needs contrasts with the systematic discrimination they face (often reinforced by custom, convention, culture and law) in access to and control over the basic assets needed, if they are to participate fully in realising the regions economic growth potential. Experts believe that economies will grow faster and countries will become less poor if gender-based inequality is substantially reduced or eliminated.

Kotey and Tsikata (1998) have argued that discussions revolving around agricultural productivity are best explained through a land rights analysis using a social relation's approach. The "gender perspective" approach used by the World Bank to analyse growth and poverty in Sub-Saharan Africa recognises that women stand at the crossroads between production and reproduction, between economic activities and the care of human beings, and therefore between economic growth and human development. Such an approach takes account of existing discriminatory, unequal and inequitable (power) relationships and practices, and lays the basis for more sustainable development based on legal and social justice. It also provides room for a broader view of social groups.

2.2 Gender division of labour

Men and women perform multiple roles in society, as both are involved in i) reproductive activities, ii) productive activities, iii) community management activities, and iv) community politics¹. Women, however, generally spend less time on productive activities and community politics in comparison to men due to their heavy daily workload. While men are able to focus principally on their productive tasks and carry out their other activities sequentially, women are often obliged to carry out a large number of tasks, especially reproductive tasks, simultaneously and dispersed over the day. Thus, women's productive time and flexibility are much more constrained compared to men, often leading to trade-offs between their non-productive and productive roles (*Moser, 1993*).

A clear division of labour according to sex and age exists in Ghanaian farming communities in terms of tasks performed and their participation in different farming activities. Women are more involved in farming activities such as planting, weeding, watering, harvesting, the transportation of farm produce, agro-processing and the marketing of small amounts of farm produce, whereas men are more involved in the initial clearing of the land, the tilling of the soils and the marketing of larger amounts of farm produce especially at farm gate level. Furthermore, women are more involved in food crop production whereas men are more involved in cash crop production. The food crop sector is generally considered to be less lucrative than the cash crop sector and fewer resources are usually spent by the State on the development of the former sector. *Benneh et al., (1995)* claim that women are more involved in food crop production because it is less costly, it requires less labour and food crops can be grown on the less fertile soils, inter-cropping of food crops is possible. The authors observed that few women are involved in the production of cocoa, one of the major cash crops grown in Ghana, partly because of the high labour inputs and huge capital outlays for land acquisition and input procurement (i.e. seeds, insecticides, implements etc.) demanded by the cocoa industry. Most women could not take advantage of the new opportunities afforded by the cocoa industry as they lacked necessary capital inputs and labour requirements. The opportunities fell largely on able and enterprising men, who strongly depended on migrant labour to operate their farms.

Ghanaian women are obliged, by tradition, to assist their husbands in their farming activities. These activities are often carried out in addition to their own farming activities, which are either performed on their husbands' plots or on separate plots of land that have been allocated to them. This tradition further increases the workload of women and restricts the amount of time that they are able to spend on their own farming activities (*Duncan, 1997*).

2.3 Security of land tenure² and poverty

It is often assumed that security of land tenure will enable the rural poor to improve their livelihoods as well as increase their food supplies, raise rural employment and foster more sustainable agricultural practices. Secure land rights are said to have a significant positive impact on the alleviation of poverty, as it gives the owners greater control over their labour, a rationale to invest in the land and crops, greater access to extension services and more bargaining power.

¹ The **reproductive role** comprises of childbearing/rearing responsibilities and domestic tasks undertaken by women, required to guarantee the maintenance and reproduction of the labour force. It includes not only biological reproduction but also the care and maintenance of the work force (husband and working children) and the future work force (infants and school-going children). The **productive role** comprises of work done by both men and women for payment in cash or kind. It includes both market production with an exchange-value, and subsistence/home production with actual use-value, but also a potential exchange-value. For women in agricultural production, this includes work as independent farmers, peasants' wives and wage workers. The **community-managing role** comprises of activities undertaken primarily by women at the community level, as an extension of their reproductive role, to ensure the provision and maintenance of scarce resources of collective consumption, such as water, health care and education. This is voluntary unpaid work, undertaken in 'free' time. The **community politics role** in contrast comprises of activities undertaken primarily by men at the community level often within the framework of national, regional or local politics. This is usually paid work, either directly or indirectly, through wages or increases in status or power (*Moser, 1993*).

² Land tenure security is the right to: i) cultivate the land without imposition or disruption, ii) obtain the benefits of one's labour and investment in the land, and iii) transfer one's claims to land.

In their quest for food security, the poor often have little choice but to use their limited resources extensively. They are often forced to adopt survival strategies with short-time horizons due to factors such as their insecure land tenure rights, their limited access to financial services, their lack of access to information and lack of access to agricultural inputs. Although secure resource rights cannot guarantee sustainable land management, it can be a powerful incentive. Farmers with long-term access to land have a greater incentive to sustain the land and develop ways of preserving and regenerating it (*Quisumbing et al., 1999*).

Security of land tenure used to be guaranteed by the utilisation of land. However, land use rights have been eroded due to external factors, such as population growth and agricultural commercialisation. Fallow lands previously used by women and poor people to gather firewood, fruit, wild grain and fodder have been converted into farmlands and are no longer accessible to them. Women are often among the first to lose their land rights, as these are generally usufruct rights³ or borrowed rights (*Du Guerny and Topouzis, 1996*).

2.4 Security of land tenure and agricultural productivity

A major theme in land tenure research is the relationship between the security of land tenure and agricultural productivity. Empirical evidence on the two remains scattered. On the one hand, researchers such as *Coase, Demsetz, Bromley, and Platteau* indicate a direct link between insecure land rights and a lower agricultural productivity. This is ascribed to the farmers' weak incentives for land maintenance and improvement, their lack of interest to invest in permanent crops, and their lack of collateral for credit which can be used to purchase improved inputs and fertilisers (*Fong and Bhushan, 1996*). On the other hand, research conducted by *Migot-Adholla et al.* in Ghana, Kenya and Rwanda (1991), did not show a clear link between tenure insecurity and a low agricultural output. According to their observations, land titling was not a major factor influencing the agricultural productivity of farming households. Other factors such as the availability of credit, marketing opportunities, input supplies, extension services, health, education and infrastructure appeared to have a greater impact on agricultural productivity. *Quisumbing et al.* argued that transferring ownership of land to women (e.g. through land reforms) is unlikely to increase the productivity if there are no improvements in their access to inputs for agricultural production (e.g. seed, tools, animal or motor traction), better technology, capital and/or credit, labour and agricultural services (*Lastaria-Cornhiel, 1995*). Similarly, the Ministry of Food and Agriculture in Ghana, acknowledges the fact that the agricultural productivity of women farmers is hampered in Ghana by their insecure access to land as well as their limited access to financial services, their limited access to labour, the lack of appropriate technologies, skewed extension services delivery, heavy workload resulting in time constraints and women's lack of involvement in decision making (*Gender and Agricultural Development Strategy, 2001*).

The scattered empirical evidence on the impact of land tenure on agricultural productivity, underlines the need to analyse the issue on a case-by-case basis.

2.5 Land reforms

Land reforms are often recommended to improve women's access to and control over land. However, such reforms can be counter-productive if there is no attention for gender issues. If land titles are issued to those with the strongest claims under local law, men usually benefit at the expense of women. Thus it is recommended that registration programmes should issue titles to the actual users of the land, while taking account of socio-economic and political factors (*Von Benda-Beckman et al., 1997*). In addition, one should take account of the fact that it may be difficult for women to keep control over the land and other resources obtained through land reforms due to pressures from, for example, relatives to sell, lease or lend their land to others. Women may find it

³ Usufruct land rights refer to one's right to enter upon and use the land.

difficult to cultivate the land or take care of the crops if they have no control over other productive factors, such as labour and tools. Finally, local officials may not support new legislation or programmes that target women (*Lastaria-Cornhiel, 1995*).

Opinions differ on the application of land reforms. On the one hand, donors and African governments tend to promote land reforms that encourage private ownership. On the other hand, authors such as *Bruce, Migot-Adholla, Atherton, Benneh, Kasanga* and *Amoyaw* call for the "adaptation" rather than the "replacement" of customary tenure systems, while taking account of strengths and weaknesses of existing land registration laws (*Maxwell and Wiebe, 1998; Benneh_et al. 1997*). They are of the opinion that the introduction of private property rights through titling programs has proven to be inappropriate or even damaging in much of Africa. *Migot-Adholla, Benneh, Atsu, and Place (1990)* recommended the implementation of a selective land reform policy in Ghana by the government in areas where there is a local demand for reform in land tenure institutions. In those areas it is more likely that farmers may be willing to finance part of the cost of the programme and would continue to update the registers following land transactions.

2.6 Relevant land legislation in Ghana and the National Land Policy

Land rights in Ghana have been mainly legislated under the following five laws and the National Land Policy:

- The 1992 Constitution of Ghana (1992);
- The Intestate Succession Law PNDC Law 111 (1985) and (1991) amendment;
- The Administration of Estates (Amendment) Law 113 (1985);
- The Land Title Registration Law PNDC Law 152 (1985);
- The Head of Family Accountability Law 114 (1985).

The 1992 Constitution

The 1992 Constitution indicates that, under the Directive Principles of State Policy, the State is to take all necessary steps to ensure the full integration of women into the mainstream of economic development of Ghana. All persons are guaranteed ownership of property and the right of inheritance. Interestingly, the State is also required to take appropriate measures to promote agriculture and industry as a strategy to promote rural development. Under article 22, the Constitution guarantees all spouses a reasonable portion of each other's estate regardless of whether or not the spouse executed a will before death. Under the same article, Parliament is required to enact legislation to regulate the property rights of spouses to remove potential injustices inherent in the current system of property distribution at death intestate and dissolution of marriage. This is yet to materialise.

The Intestate Succession Law

The Intestate Succession Law is a path-breaking departure from customary law and has been described as an important landmark of existing legislation on inheritance rights in Ghana. It is the first legal framework that provides equal rights of inheritance between spouses and increased rights for children. Accompanying the law is a memorandum that fully explains the rationale behind its promulgation. In brief, it states that the law seeks to provide a uniform intestate succession system applicable throughout the country irrespective of the class, marriage type and lineage, and focuses on estates that have not been covered by a will. It further stresses the increased need for recognition of the growing importance of the nuclear family. The law aims at giving a large portion of the estate of the deceased to his/her spouse and children in a manner that was previously denied under traditional law (*Memorandum to the Intestate Succession Law*). Until 1985, when the law was passed, a widow was not considered to be part of her husbands' family and therefore was not entitled to any property of her deceased husband who had died intestate.

The Administration of Estates (Amendment) Law

The Administration of Estates (Amendment) Law provides added protection to women and children through state intervention in the administration of estates with a value of up to ten million cedis⁴. The law is applied in cases where agreements cannot be reached on the administration of such estates or where an administrator has not been appointed. Property of a person who dies intestate without a will is thus administered by the Administrator-General according to the process of law to protect the needs of beneficiaries.

The Land Title Registration Law

The Land Title Registration Law provides security of tenure to various types of landholders. The law aims at providing certainty to land titles, and to render dealings in land safe, simple, cheap, devoid of fraud and require minimum litigation. Interests, which are covered, include freehold, usufruct, lease and tenancy agreements (*Memorandum to the Land Title Registration Law*).

The Head of Family Accountability Law

The Head of Family Accountability Law safeguards family property by obliging heads of family, who remain in custody of such property, to account for all financial dealings associated with it and to file an inventory. Any member of the family who has a beneficial right to such property may file a claim in the High Court against a head of family who mismanages the property. Before this is done however, claimants are required to seek redress at the family level. The High Court has the power to compel the family head to render account or file an inventory in respect of all properties in his possession, control or custody.

National Land Policy

The Ministry of Lands and Forestry developed a National Land Policy in 1999. This was done out of belief by the Government of Ghana that the numerous land litigation cases in the courts were evidence of a lack of effective and efficient management of land in the country. The Policy aims to increase the security of land tenure by means of land registration and to reduce and eliminate long-drawn-out land boundary disputes, conflicts and lawsuits. Security of tenure and the protection of land rights are to be undertaken with the full participation of traditional and customary landowners through a process of tenure reform that documents and recognises the registration and classification of land titles of various types of landholders. The National Land Policy seeks to reinforce the primary objectives of the Land Title Registration Law

The law, however, has been criticised for its over concentration on government interests (such as compulsory acquisition) and a lack of sensitivity to the specific needs of vulnerable groups in society, such as women and the poor (*Wily et al., 2001*).

2.7 Changes of customary laws as a result of socio-economic change

Various studies have shown that customary laws can adapt positively to new developments. Duncan's (2000) study on the current state of matrilineal and patrilineal forms of inheritance in Ghana showed a transformation of the nephew inheritance system practiced among matrilineal Akan communities. Traditionally, only a man's nephew could inherit from him. This rule, which was followed with much rigidity in the past and to the detriment of the man's children, was questioned after 1930 by Christians and youth and was changed as a result extensive debates and dialogue.

A change was also observed with regard to customary land laws. *Danquah (1928)* noted that the sale of land among Akan speaking communities was much more than an exchange of ownership

⁴ Ten million cedis amounted to an equivalent of around 1,200 US dollars in 2003.

rights only. It was also viewed as the selling of a spiritual heritage, a veritable betrayal of ancestral trust and an undoing of the hope of posterity. An overturn of this perception was shown by the case of (*Sasraku versus David 1959*) GLR 11. The sales of land had become a more common and socially accepted practice among the Akans, due to a transformation of the agricultural sector (i.e. increased commercialisation of the sector).

Du Guerny et al (1996) and *Göler von Ravensberg et al (1999)* noted that without changes in customary land law, female-headed households are more likely to end up with less fertile and smaller acreage of land as compared to male-headed households. Changing customary law with regard to women's land rights, however, is a major challenge because it is strongly linked to existing views and perceptions of women by society. *Von Benda-Beckman et al. (1997)*, and *Fong and Bhushan (1996)* recommended the formation of interest groups to force changes, as change is unlikely to come about without strong collective pressure from men and women. Furthermore, women's struggles to obtain better land rights need to be seen within a larger context of factors such as population pressure, land degradation, increased agricultural commercialisation, lack of collateral to obtain credit, etc.

2.8 Importance of kinship with regard to property distribution

Numerous studies conducted in Ghana have highlighted the usefulness of kinship as an entry point to the study of social organisations since it views the various statuses and roles of individuals who make up a community. Kinship itself describes relationships drawing from consanguinity (blood ties), marriage (affinity) and adoption. All these relationships are governed by specific rules and patterns of behaviour as well as reciprocal duties, obligations and responsibilities (*Nukunya, 1992*).

Most of the land in the Volta Region is vested in lineages. The lineage heads, generally men⁵, grant usufruct land rights to individual members of the lineage. These lineage members may utilise the land throughout their lives, under the condition that the lineage head is obeyed and that norms and expectations of the groups are respected at all times. Usufruct land rights were also obtained through the clearing of forestlands for agricultural purposes; an activity mainly performed by men. As a result, men generally acquired the land use rights. Once occupied, the land could only be acquired through inheritance, gift, rental agreements or outright purchase.

Decisions concerning the lineage group are taken at lineage meetings, which are usually attended by male members of the group only. Female members are seldom invited to participate in such meetings. If invited, their roles are usually limited to those of listeners or resource persons, not decision-makers or discussion partners. As a result, men generally take decisions (including those related to land issues) on behalf of the descent group and all its members.

In order to understand existing property rights in traditional societies, it is essential to have knowledge of the applied descent system. The descent system or what is collectively known as descent groups determine the principles and rules that regulate the organisation of groups within which individuals perform their day-to-day activities. It refers to a direct genealogical lineage connection between an individual and his/her offspring (*Fortes, 1950*). The matrilineal descent system is a kinship system in which inheritance is traced through mothers and their blood relatives, while under the patrilineal descent system inheritance is traced through fathers and their blood relatives. The Ewe, Ga, Dangbe and Krobo are examples of patrilineal societies in Ghana, whereas the Fanti, Akyem and Ashanti are examples of matrilineal societies.

⁵ Women can be chosen as a lineage heads, for example if they are highly respected persons or have special qualities such as a high level of education and wealth. This, however, is rather an exception than the rule.

The patrilineal inheritance system is the dominant inheritance system practiced in the Volta Region. A characteristic feature of this system is male dominance in land ownership and control. It is based on the basic principle that land is a priceless economic commodity and must be vested in men to ensure the welfare and continuity of the descent group. A male member's individual share of land passes on to his children upon his death under this system, whereas in the case of a woman it reverts back to the lineage. The patrilineal inheritance system generally sidelines women from inheritance, especially in the case of *exogamy*⁶, as it could result in the transfer of property belonging to a deceased man to another lineage upon marriage. Women who marry within the same lineage (*endogamy*), however, are more likely to have greater inheritance rights. Women are permitted to use the land as long as they are alive and are linked to their husbands' lineage, but cannot pass these rights on to others. Thus, women's access to land is generally linked to their wifely status, whereas men's access is by virtue of his lineage membership.

A remarkable inheritance practice observed among the Anlo communities in the Southern zone of the Volta Region is the transfer of so-called grandmother/grandma land (= *mamanyigba*) from mothers to daughters. Grandma lands refer to lands that were formerly given to *trokosi*⁷ women known by the name of "Fiasidi." Unlike a typical *trokosi*, the Fiasidi were privileged women upon whom the community conferred much respect. The Fiasidi received deity lands, which they could cultivate whilst serving in the shrine, and were given additional land in exchange for their services, which they could pass on to their children. The Fiasidi often felt more inclined to pass their land on to their daughters as a counter measure against existing discriminatory inheritance patterns. The grandma land was initially used by women basket weavers for the cultivation of reeds and wickers. Changes, however, occurred in the 19th Century as the value of the land increased due to land scarcity (as a result of a population increase) and the introduction of cash crop farming. Men started using the land for the cultivation of cash crops, such as shallots and sugar cane, and gradually gained more access to and control over the grandma lands.

Certain customary inheritance practices have negatively affected women's access to land. (*Kludze, 1973*) and (*Nukunya, 1993*) noted that if both sons and daughters were considered when property was distributed, their shares were often unequal. Preference was usually given to sons over daughters, even if the sons were younger than the daughters. Furthermore, Kludze expressed that the Anlo's increasingly considered the claims of daughters to land as only a privilege and not a right that could be enforced before a court of law.

⁶ Exogamy refers to a marriage with someone from outside the lineage.

⁷ *Trokosi*, refers to a system of ritual bondage of virgins (mainly female children) in male headed shrines for economic bondage to the priests. It is practiced in the North and South Tongu districts in the Volta Region as well as the Dangbe East and Dangbe West Districts of the Greater Accra Region (Nukunya et al, 1999)

3. PROFILES OF THE STUDY AREA, TARGET GROUP AND FARM SECTOR

This chapter provides background information on the study area and the target group and discusses various characteristics of the farm sector in the Volta Region.

Topics discussed in this chapter are :

- **Profile of the Volta Region**
- **Profile of the target group**
- **Characteristics of the farm sector in the Volta Region**

3.1 Profile of the Volta Region

The Volta Region is located in the eastern part of Ghana and shares its eastern border with the Republic of Togo. It is Ghana's fourth largest region and covers a surface area of about 20,572 km². The region stretches from the shores of the Atlantic Ocean in the south, up to the Northern Region in the north (refer to annex 1).

The 2000 Population and Housing Census recorded a total population of 1,635,421 inhabitants (790,886 men and 844,535 women) in the Volta Region (*Ghana Statistical Service, 2002a*). Ewe communities occupy most of the Region, with the exception of some areas in the Northern zone, which are largely inhabited by migrant groups from mainly Akan-speaking regions of Ghana such as the Central, Brong Ahafo, Eastern and Ashanti Regions. Many people in the Northern zone identify themselves with well-known Akan clans such as the Oyoko and Asona.

Farming is the dominant form of land use and the main source of income for most households in the Volta Region. This is related to the predominantly rural character of the Region and fact that the Region is well endowed with natural resources and fertile soils. Fishing is another important income-generating activity, especially for communities along the coastline and the Volta Lake. Trading activities can be observed throughout the Region.

Literacy rates are high for both men and women in the Volta Region. Statistics from the *2000 Ghana Living Standards Survey (GLSS)* show that almost two thirds (58%) of all female adults and over four fifth (83%) of all male adults in the Region had been to school (refer to table 2). Male school attendance was slightly higher in both urban and rural areas in the Volta Region, compared to national averages. Female school attendance in the Volta Region exceeded national averages in the rural areas, but fell short in the urban areas.

Table 2: Literacy rates of men and women in the Volta Region and Ghana

Area	Volta Region		National Level	
	Male %	Female %	Male %	Female %
Urban	90	70	88	74
Rural	80	55	75	52
Total	83	58	80	60

Source: GLSS 4, 2000

3.2. Profile of the target group

A total of 300 questionnaires were administered through this study in the Volta Region. Almost forty percent of the respondents (N = 118) were male and sixty percent (N = 182) female. In addition sixty percent (N=180) of the respondents were below 41 years of age. The average age of both male and female respondents was around 40 years.

Marital status

Almost two thirds of the respondents (N=196) were married, 9% were single (N=26), 9% widowed, 9% involved in a consensual relationship ("*mpena awaree*"), 8% divorced and 1% separated. Most of the married respondents (N=140) were married to someone from a different clan. Same clan marriages were recorded in 48 cases and largely in the Kadjebi district (N=11), followed by the Keta district (N=10) and Hohoe district (N=7).

Table 3: Marital status of the respondents

Marital status	Male respondents		Female respondents	
	N	%	N	%
Single	11	9	15	8
Married	90	76	106	58
Widowed	1	1	25	14
Consensual relationship	8	7	18	10
Divorced/ Separated	8	7	18	10
Total	118	100	182	100

Source: WILDAF Study 2000

Outstanding differences between the sexes were observed amongst the categories married and widowed. A larger percentage of male respondents (76%) were married as compared to female respondents (58%), whereas more female respondents (14%) were widowed as compared to male respondents (1%). This could be related to differences in remarriage patterns between widowed men and widowed women.

Religious affiliation

The most common religions practised were Christianity (91% of the respondents), followed by Traditional Religions (6%), Islam (1%) and others (2%). One's daily activities and practices, however, seemed to be more affected by local traditions and customs rather than by religion.

Ancestral homes

The vast majority of both the male (78%) and female respondents (75%) originated from the Volta Region. This applied to all but one district included in the study, namely the Kadjebi district. Over one third of the respondents in that district (35%; N=23) originated from the Central 23% (N=15) from the Ashanti and 23% (N=15) Brong Ahafo Regions. These observations were in line with other studies conducted in the Region, which also highlighted the presence of migrant communities in the northern part of the Volta Region.

Inheritance system

The patrilineal inheritance system dominated in the study area. Ninety-six percent (N= 289) of the respondents indicated that they inherited from their father, 2% from their mother and 2% from both parents. Even migrants who originated from matrilineal communities (such as the Ashanti, Kwahu,

Akwapim and Fanti) had converted to the patrilineal inheritance system applied by their host communities in the Volta Region in order to facilitate their integration process.

Education

Conforming to the outcomes of the GLSS 2000, the study underlined the relatively high literacy rates of men and women in the Region. Eighty-seven percent of the male respondents and sixty-three percent of the female respondents had completed at least primary school. Furthermore, the study revealed that the educational levels of male respondents were higher than those of female respondents. This was related to the withdrawal of girls from school at a younger age because of socio-economic and cultural factors. Households with limited resources generally preferred to invest in the education of their sons rather than their daughters, as their sons were to become the breadwinners of the family and caretakers of their parents.

Occupational background

Farming activities were the main source of income for most respondents, both male and female. Ninety-three percent (N=277) of the respondents (NT=297) mentioned farming as their main occupation; seventeen percent (N=46) in combination with other occupations such as trading, teaching, carpentry, masonry, tailoring etc. Trading was only expressed by female respondents (N=38) and mainly by women from the Kajebi (N=17) and Keta districts (N=13), where trading is a common occupation amongst women⁸. Other occupations mentioned were hairdressing, masonry work, teaching, office work and tailoring / seamstressing. It was remarkable that only one respondent mentioned fishing as a main occupation, as fishing is known to be an important income-generating activity in the Region.

3.3 Characteristics of the farm sector in the Volta Region

3.3.1 Importance of the farm sector

The farm sector plays an important role in terms of food and cash crop production, income-generation, opportunities for employment and food security. Each sub-region is noted for the cultivation of a wide variety of food and cash crops⁹ (refer to table 4).

Table 4: Most common food and cash crops produced in the Volta Region

Sub Region	Most common food crops	Most common cash crops
Northern zone	Cassava, maize, plantain, garden eggs, okra and yam	Cocoa, oil palm, coffee, rice and yam
Central zone	Cassava, maize, okra, plantain and banana	Yam, rice, oil palm and cocoa
Southern zone	Maize, cassava, okra, cow peas, beans and peppers	Shallot, tomato, peppers, cassava, maize and beans

Source: WILDAF Study 2000

Eighty percent of the respondents (N=86) who specified the use of their farm produce (NT=107), indicated that their produce was partially sold and partially consumed by the household, 18% (N=19) indicated that it was all consumed and a mere 2% (N=2) indicated that all was sold to the

⁸ It is not possible to determine to what extent activities such as the selling of crops have been taken into account as trading activities and the importance of the various occupations in terms of the income generated and investments made, as the study did not look into these aspects

⁹ The distinction between cash and food crops is often unclear as surplus food crops are often sold (e.g. maize, cassava, yam and peppers) and cash crops are often consumed by the household.

market. These data highlight the importance of farming activities in terms of food security¹⁰ for the household.

It was revealed, during the focus group discussions, that an increasing number of households in the Region were experiencing problems in meeting their nutritional needs. This was ascribed to the following developments:

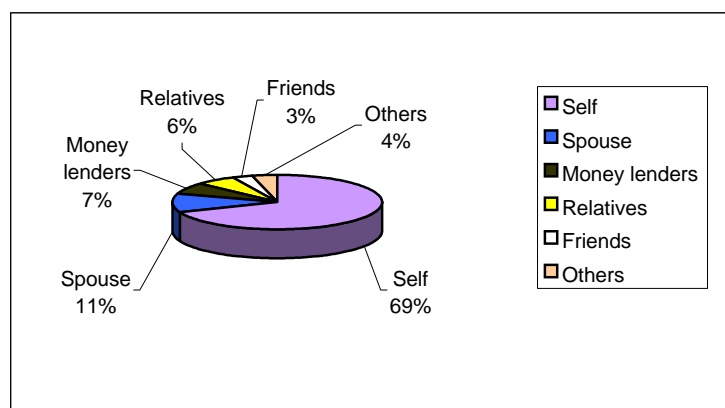
- Land is becoming a scarce and precious commodity in the Volta Region due to an increased demand for land and food as a result of population increase¹¹.
- The migration of youth from rural to urban areas in search of work has contributed to a shortage of farm labour in the rural areas.
- An increased desire for foreign food (e.g. rice from Thailand) and a decreased demand for local food (e.g. local rice) have contributed to a reduction in the production of different rice varieties.
- Local nutritional food crop varieties (such as hilly rice and different types of beans) have been replaced by modern rice and bean varieties that require more inputs and were considered to have less nutritional values by the communities.
- Productivity levels on the farms have gone down due to a lack of credit amongst farmers to make required investments on their farms.
- Agricultural production has decreased due to an increased laziness of men.

Further research is required to assess the extent of food insecurity in the Volta Region and other regions of Ghana.

3.3.2 Sources of credit used for farming activities

Farming activities were mainly financed by the respondents themselves (69%; N=235), followed by monies received from spouses (11%; N=40), moneylenders (7%; N=24), relatives (6%; N=20) and friends (3%; N=12) (refer to figure 1).

Figure 1: Sources of credit used for farming activities



Source: WILDAF Study 2000

Remarkably few respondents obtained credit through local saving groups called susu (N=6), from Community Based Organisations (N=2) or from banks (N=5). Further research is required to determine why the above-mentioned sources of credit were barely used. Possible explanations could be the limited sizes of the loans offered or farmers or the inability of farmers to comply with the rules and regulations of formal credit institutions.

¹⁰ Food security exists when people have physical and economic access to sufficient, safe and nutritious food to meet their needs for an active and healthy life.

¹¹ A population increase of 35% was observed in the Volta Region between 1984 and 2000. The total population in 1984 was 1,211,907 compared to 1,635,421 in 2000 (Ghana Living Standards Survey, 2000)

A comparison of credit sources used by female respondents and male respondents to finance their farming activities showed that both groups mainly depended on their own resources. Women largely financed their farming activities through their trading activities and vice versa. Differences, however, were observed with regard to the other credit sources used. Women depended more on credit from their spouses and less on friends and moneylenders than men did.

Incomes obtained through farming activities were generally spent on the education of children, the purchase of food and clothing, the expansion of farming activities and to address health issues.

3.3.3 Gender division of labour in the farm sector

The study revealed that men, women and children were involved in farming activities. A clear division of labour, similar to the division discussed in the literature review (refer to page 5), was observed with regard to the farming tasks performed. Men were more involved in activities such as land clearing, land preparation and planting cash crops, whereas women were more involved in activities such as planting food crops, watering crops, storage and food processing. Children were responsible for chasing away birds and rodents. All parties were involved in activities such as weeding and harvesting.

The intercropping of cash/food crops (such as tomatoes, okro, pepper and eggplants) by women on their husbands' farm(s) was a common practice observed in all the communities studied. Women generally controlled the incomes derived from this specific activity and were often compensated in cash (57%; NT=155) and/or in personal effects (41%; NT=111) for their assistance. Female respondents, however, did not feel that they were sufficiently compensated for their hard work, as they seldom received fixed assets such as land. Only a few women (2%; NT=5) had received land from their husband to farm on, under the precondition that decisions on what to grow and how to utilise the incomes were made by both husband and wife. Respondents who indicated that women were not compensated for their assistance (8%; N=22), ascribed this to the fact that they did not work for their personal welfare but for the welfare of their family and the fact that men failed to acknowledge the contributions made by women to the family farms. It appears that a woman's traditional obligation, discussed in the literature review, to assist her husband on his farm has gradually shifted from a legal obligation (according to customary law) to a moral and economic obligation. Most women supported their husbands on a voluntary basis and for economic reasons. Only 12% of the women (N=21) stated that they were obliged to assist their husbands.

Few respondents (N=48), mainly men (69%), worked as paid farm labourers. Wages paid to male and female labourers were said to be equal as the wages were based on the rule of "equal pay for work of comparable value." Men, however, earned more in practice than women did - the averages being 8,114 cedis (\$1.56) per day for male agricultural labourers and 6,400 cedis (\$1.23) per day for female agricultural labourers¹². The difference was ascribed to the fact that men performed tougher tasks and worked longer hours.

3.3.4 Time allocated to farming and non-farming activities

Consistent with the literature review, the study revealed that women performed most of the reproductive activities, such as childbearing, cooking, taking care of the children, cleaning the house and the compound, and fetching water. Men assisted them with childcare and occasionally with the collection of firewood and performed some of the other activities mentioned above when their wives were ill.

Men allocated more hours to productive activities, such as farming, than women did. Male respondents worked on average 6-7 hours on the farms, on a normal day, compared to 4-5 hours

¹² The exchange rate of the cedi to the dollar was 5,200 cedis to the dollar at the time of the research (August 2000).

for female respondents. These differences were linked to the greater involvement of women in time-consuming reproductive activities, performed in and around the house throughout the day. Almost one third (29%) of the female respondents and over one third (38%) of the male respondents indicated that they spent even more than 7 hours a day on the farm(s). This further highlights the importance of the farm sector for households in the Volta Region.

Male and female respondents agreed that women had a heavier workload than men did. They had greater responsibilities and worked longer hours. The Ewe expression: *"The hand of a woman is like the shell of a crab, there is always oil on it"* reflects the heavy and continuous workload of women in Ewe societies.

3.3.5 Changing roles and responsibilities of women in the farm sector

Changes were observed in the Volta Region with regard to the roles and responsibilities of women in the farm sector. Almost two thirds of the respondents (59%, NT = 281) acknowledged an increased involvement of women in farming activities after independence in 1957. Changing roles and responsibilities of women in the farm sector were ascribed to changes in the gender division of labour, an increased involvement of women in food crop production, an increased involvement of women in cash crop production and an increased involvement of women in farm related trading activities.

Changes in the division of labour

The increased involvement of women in farming activities after independence was largely ascribed to changes in the division of labour on the farms. Seventy percent of the respondents (N=63;NT=101) who had observed changes over time with regard to tasks traditionally ascribed to men and women, explained that women had become more involved in male dominated activities such as land clearance. This was due to an increased involvement of men in other income-generating activities, usually undertaken to supplement the household income. Tasks previously performed by male household members had been taken over by female household members, often following the migration of male household members to other areas. Financial constraints did not enable these households to hire labourers to do the work, nor could they risk a decrease in the household income due to unperformed farming activities. Changes in the gender division of labour were also ascribed to the increased laziness and irresponsibility of men, the greater financial needs of the household, the need to improve the level of food security within the household, and the desire of women to become economically independent.

Increased involvement of women in food crop production

An increased involvement of women in food production was pointed out by over half (54%, N=153) of the respondents (NT=218). This development was especially observed in the Central zone (Hohoe, Ho and Kpando districts) and the Northern zone (Jasikan and Kadjebi districts). The increase was ascribed to an overall increase in food crop production, as a result of the five following developments. First, households were trying to become more self-sufficient in food production because of increasing food prices. Secondly, husbands required more assistance from their wives on the farm(s) to meet the nutritional demands of the family. Thirdly, land that was unsuitable for cash crop production was increasingly being used for food crop production¹³. Fourthly, greater incomes were required to meet the financial needs of the household. Finally, households preferred to cultivate food crops rather than cash crops due to the generally shorter production cycles of food crops.

¹³ The unsuitability of farmlands for cash crop production could be related to land degradation processes taking place in the Region. Further research into this matter is required.

Increased involvement of women in cash crop production

An increased involvement of women in cash crop production, a traditionally male dominated activity, was expressed by almost one third (29%; N=82) of the respondents (NT=218). This development was observed in all three sub-regions, but especially in the Keta, Kadjebi and Ho districts. Some women assisted their husbands in the production of cash crops, whereas others produced their own cash crops such as coffee, rice, cocoa, beans and oil palm. The main explanation given for the increased involvement of women in cash crop production was the fact that their involvement in this activity had become culturally acceptable due to an increased need for their labour. Traditionally, cash crop farming was only open to men as the cultivation of cash crops increased one's ownership rights to the land. It was feared that if women were to obtain such rights, the land could be lost to another clan or lineage through marriage. The increased involvement of women in cash crop farming was not observed everywhere, as a number of respondents highlighted the fact that women were still not permitted to cultivate cash crops in their communities. Some ascribed women's non-involvement in cash crop farming to the fact that they lacked the physical strength to produce cash crops.

Increased involvement in trading activities

An increased involvement of women in farm related trading activities had been observed by four percent (N=10) of the respondents (NT=218). This was especially observed in the Keta district (10% of the cases) where women were already actively involved in trading. Many women pointed out that they wished to start trading activities but lacked the funds to do so or stuck to farming activities as their labour was required to help meet both the financial and nutritional needs of the household.

The increased involvement of women in food crop production, cash crop production and trading activities has not necessarily resulted in a betterment of their socio-economic position or an increased control over their farming activities. It has, however, enlarged the workload and responsibilities of women farmers in the Region.

4. ACCESS TO AND CONTROL OVER LAND IN THE VOLTA REGION

In areas, such as the Volta Region, where farming activities dominate as an economic activity, those who have secure access to land have social, economic and political power. A respondent from the Jasikan district highlighted this in the following manner: *“Control over land = money = economic empowerment = wealth = improved status = improved welfare of the family. Land is therefore power. When you have control over land it provides you with the courage to participate in group discussions and decision-making processes.”*

This chapter focuses on men’s and women’s access to and control over land in the Volta Region.

Topics discussed in this chapter:

- **Definitions of “Access” and “Control”**
- **Access to land**
- **Access rights of different groups of women to land**
- **Impact of marriage on access to land**
- **Common means of acquiring land**
- **Control over land**
- **Decision-making with regard to land**
- **Changes in access to and control over land**
- **Security of land tenure and agricultural productivity**

4.1 Definitions of “Access” and “Control”

Respondents defined access to land as the right to enter upon and use land. These rights are usufruct rights and can be granted to male and female members of the family, lineage or stool.

Respondents defined control over land as one’s ability to take decisions with regard to the land (e.g. to determine the size of land used for farming activities and whether the land will be used for food or cash crop production) and the ability to transfer land titles, whether by sale or inheritance (land ownership).

The control definition was determined based on the outcomes of eleven “control” related questions. These questions revealed that in comparison to women:

- Men had greater decision making power to determine the size of the land used for farming activities;
- Men had more rights to transfer rights in land to their children;
- Men had more opportunities to register land in their names as they had more secure access to land and they were in a better position to defend their land rights;
- Men had greater rights to grow perennials and cash crops, an activity that enhances one’s control over land and is allowed only if one has reasonably secure access to the land;
- Men were more involved in forest clearing for agricultural use, a primary determinant of initial access to land and land ownership; and
- Men were said to have greater potential to be leaders (e.g. of the family and lineage) and therefore were considered to be better qualified to take decisions affecting land.

4.2 Access to land

Access to land determines one's access to income-generating activities as well as one's access to food. The median size of farmlands cultivated by households in the study area was 3 acres¹⁴. The largest median sizes were observed in the Kadjebi district (Northern zone) and the smallest in the Kpando (Central zone) and Keta districts (Southern zone). These differences were related to variances in population densities observed in the districts and the availability of land suitable for farming activities (refer to table 5). The table below shows that the Northern zone is the least densely populated sub-region whereas the Southern Zone is the most densely populated sub-region.

Table 5: Median size of farmland accessible to respondents and population densities; differentiated according to sub-region and district

Sub-Region	District	Median size of farm land (acres) *	Population density per km ² in 2000 (persons) **
Northern zone	Kadjebi	7.5	56
	Jasikan	4.0	89
Central zone	Hohoe	3.0	126
	Ho	4.5	88
	Kpando	2.0	92
Southern zone	Keta	2.0	127
	South Tongu	3.3	109

Source: WILDAF Study 2000

** Source: Statistics Research and Information Directorate of the Ministry of Food and Agriculture and Ghana Statistical Service (2002)

Ninety-six percent of the respondents (N=278) indicated that men and women had access to lineage, stool or clan land as land use rights were open to both sexes and were determined by group membership and social status. Perceptions, however, differed with regard to their level of access.

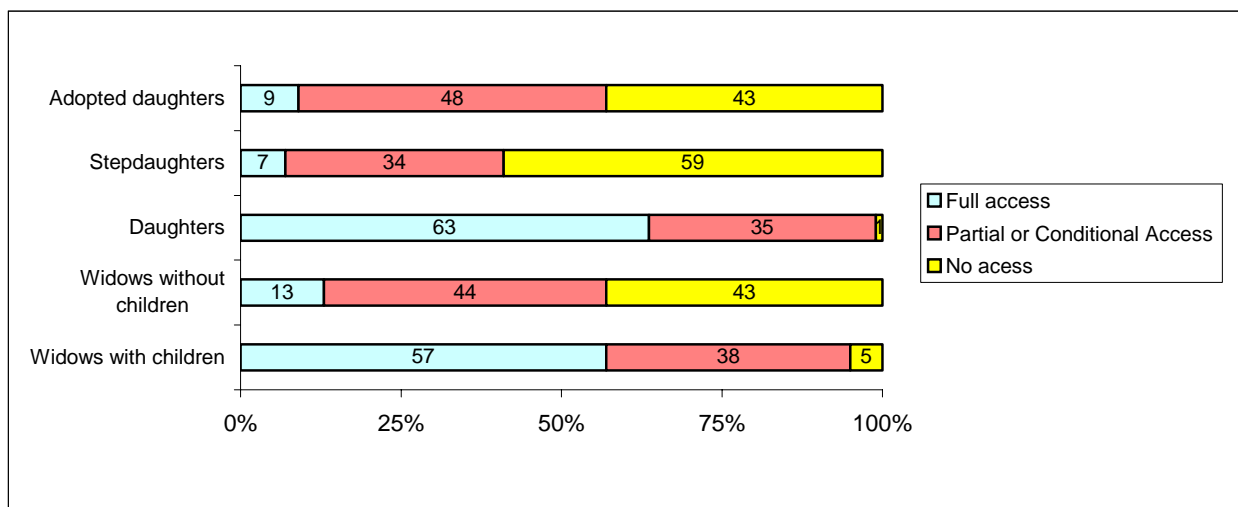
Three quarters of the respondents (N=209), male (73%) and female (76%), were of the opinion that men and women had equal access to land in their communities. This was ascribed to the facts that: a) the land belonged to the lineage, clan or stool and therefore all members of the lineage, clan or stool had access to the land (80%), b) everyone was given land upon request (10%), and c) everyone was given land according to their needs (i.e. based upon the size of their family) (10%). One quarter of the respondents (N=70) explained that men had greater access to land as men were traditionally considered to be the custodians of family property (48%) and the patrilineal system of land acquisition favoured men over women (43%). Further questioning, however, revealed that access rights of men and women were less equal than initially presumed as women's rights were generally "secondary" rights (i.e. rights obtained through others – mainly male relatives). As a result, women feared that they could be the first to loose their access rights due to growing population pressures, agricultural intensification and commercialisation.

4.3 Access rights of different categories of women to land

Differences in access rights to land were observed, not only between men and women but also between different categories of women, for example between widows with children, widows without children, daughters, stepdaughters and adopted daughters (refer to figure 2), women involved in a consensual relationship and women with physical disabilities.

¹⁴ Male respondents had access to more farmland than female respondents, the median sizes being respectively 5.0 and 2.5 acres. Further research is required to clarify this difference as well as intra-household differences in access to land.

Figure 2: Access rights of different categories of women to land (% of responses)



Source: WILDAF Study 2000

- **Access rights of widows**

Notable differences were observed between the access rights of widows with children and widows without children. The former group had greater access rights to the land of their deceased husband than the latter group. More than half of the respondents (57%; N=171) indicated that widows with children maintained full access to land after the death of their husbands, whereas 38% indicated that they had partial or conditional access to the land. For widows without children, the percentages were respectively 13% and 44%.

Widows with children were generally permitted to continue farming on their husbands' land after his death as they continued to raise his children. They were protected by family and traditional laws if they had contributed to the man's property or had a good relationship with the family of the deceased. Their rights, however, were "indirect" as they were exercised through their children.

Widows without children were usually not permitted to continue using the land of their husband (which was generally inherited by a brother) under the same conditions after his death. Forty-three percent of the respondents (NT=296) indicated that widows without children had no access to their late-husbands' land compared to a mere five percent for widows with children. Some inherited movable assets or were given a separate plot of land if they had good relations with their late-husbands' family, if they agreed to marry the next of kin, or had received land as a gift from their late-husband.

The negative perceptions that exist in the Volta Region on widows without children contribute to their insecure access rights. Traditional Ewe societies believe that children are the main reason for marriage and therefore a childless marriage is of no benefit to the lineage. The unspoken question is "*How do you justify your stay in the lineage if you have not contributed to it?*" It is important to note that childless men are not harassed by society in terms of their access rights. The blame of a childless marriage is generally put on the woman as society assumes that men cannot be the cause of childlessness.

The study revealed that the perceptions of male respondents with regard to the access rights of widows without children were more positive than those of female respondents. Most of the male respondents explained that widows without children maintained partial or conditional access to land after the death of their husband, whereas most of the female respondents indicated that widows without children generally lost their access to the land. Interestingly enough, 52% of the

respondents (N=13) who were widows indicated that widows without children had partial or conditional access to the land whereas 40% (N=10) indicated that they had no access at all.

- **Access rights of daughters**

A significant difference was observed between the access rights of biological daughters on the one hand, and step and adopted daughters on the other. The study revealed that biological daughters often maintained full access to their father's land after his death, whereas step and adopted daughters did not have the same privileges. In percentages, 63% of the respondents (N=187) were of the impression that biological daughters maintained full access to their father's land after his death, compared to a mere 9% for adopted daughters and 7% for stepdaughters.

The differences were ascribed to the fact that biological daughters are better protected by customary and statutory laws. Ewe tradition does not endorse double inheritance. Thus, step and adopted daughters are considered to be members of a different patrilineage and children of a different man and therefore it is said that they have to claim their benefits from their own line of descent. Step or adopted daughters also have fewer rights than step or adopted brothers. An opinion leader from the Ho district explained: *“Adopted or half daughters belong elsewhere. If they were men, they could have been given some inheritance rights, but being women, they will marry one day and exercise that privilege elsewhere.”*

- **Access rights of women involved in a consensual relationship**

Access rights of women involved in a consensual relationship (10% of the female respondents) were strongly depended on privileges given to them by others. They could not enforce any land rights as mere consensual relationships are not officially recognised by the State or by customary law.

- **Access rights of women with physical disabilities**

Women with physical disabilities revealed at the focus group discussions that their access rights to land were highly insecure as a result of both their status as a woman and their physical condition. They were generally unable to cultivate large plots of land and often required assistance from family members to perform their farming activities. As a result, they strongly feared that they could lose their access rights if the demand for land increased, thus making them feel very vulnerable and dependent on others.

It can be concluded, based on the observations above, that the access rights of widows with children and biological daughters are more secure than those of widows without children, stepdaughters, adopted daughters, women with physical disabilities and women involved in consensual relationships.

4.4 Impact of marriage on access to land

The study revealed the strong impact of marriage on especially women's access rights to land among the patrilineal communities studied. Women generally gained (secondary) access rights to their husbands' land through marriage, but lost their access rights to their own lineage land at the same time. A woman from the Ho district explained: *“A woman has to leave her lineage land behind when she marries, especially if her husband is from another sub-region or clan. She is no longer considered to be part of her own family after marriage. In the case of a man, however, he is not limited by circumstances, even if he leaves town or the village. He can come back home with his children and is still the heir of the land. Men are therefore not affected by changes in their marital status or occupational circumstances.”*

The study showed that only 5% of the female respondents were allowed to keep their lineage land after marriage. The inability of women to retain control over lineage land after marriage was persistently seen as a source of insecurity to women. It was therefore recommended during the focus group discussions that women had to try to maintain access to their lineage land, for example, by renting the land out or by planting cash crops.

Divorced women and widows generally had to “re-apply” for land upon return to their own lineage from lineage or household heads, who could be willing or unwilling to provide land. Traditional divorce laws, as applied in the Volta Region, stress that a woman who initiates divorce need not be compensated in any way, as she is the one who packed her bags. This rule even applies to cases where women leave the matrimonial home because of domestic violence.

4.5 Common means of acquiring land

Most respondents obtained land through inheritance from a father (37%), sharecropping agreements (14%), inheritance from a mother (10%) and/or the allocation of land by a spouse (10%) (refer to table 6). Households who had inherited land from a mother were largely located in the Kadjebi district (58%;N=38) and Keta district (18%;N=12). This could be related to the presence of migrants in the Kadjebi district who originated from matrilineal societies and the existence of grandma lands in the Keta district.

Table 6: Means through which households had acquired land (N = 297)

Means of obtaining land	Total number of responses (NT)	% of responses
Inheritance from father	240	37
Sharecropping agreements	87	14
Inheritance from mother	66	10
Allocation by spouse	65	10
Allocation by lineage	57	9
Licensed for specific term	35	5
Obtained from grandfather	28	4
Gift from father	24	4
Allocation by stool	17	3
Gift from mother	8	1
Obtained from grandmother	5	1
Purchase	4	1
Obtained from a friend	6	1
Father in law	1	-
Total	643	100

Source: WILDAF Study 2000

Male respondents had mainly obtained land through inheritance from their father, sharecropping agreements and the allocation of land by the lineage, whereas female respondents had mainly obtained land through inheritance from their mother and the allocation of land by their spouse. Stool lands were never directly allocated to women.

The acquisition of land through the clearance of virgin forestland was not mentioned as a common means of obtaining land, probably because little virgin forestland remains in the Volta Region. In addition, none of the respondents indicated that they had acquired land through state interventions, such as land reforms. The contrary was even highlighted during the focus group discussion. It was said that the State could force landowners to sell their land if this was considered to be in the interest of the public.

Very few households (1%; N=4) had purchased land, although many respondents (N=90) indicated that the purchase of land was common in their community. According to the respondents it was relatively easy to buy land in the Central and Southern districts, especially in the Ho, Keta and Kpando districts, whereas it was difficult to buy land in the more northern districts, such as Kadjebi and Hohoe. This difference could be related to the more traditional character of the less accessible northern part of the Region. The right to sell land was mainly vested in men due to their dominance in land ownership and in decision-making processes.

A comparison of men's and women's abilities to purchase land (refer to figure 3), revealed that:

- Half of the respondents (50%; N=84; NT=168) were of the view that men and women had equal opportunities to buy land. The financial position of the individual determined who purchased the land.
- Thirty-nine percent (N=66) of the respondents indicated that it was easier for men to buy land as men traditionally had the right to own land, men were richer than women and women were more interested in acquiring personal effects rather than land.
- Eleven percent (N=18) of the respondents indicated that it was easier for women to buy land, as they were able to generate considerable incomes through their trading activities.

Figure 3: Abilities of men and women to purchase land (in %)



Source: WILDAF Study 2000

The figure above shows that the perceptions of male respondents (N=47) were more positive than those of female respondents (N=97) with regard to women's abilities to purchase land. It is remarkable that in the Keta district, one out of five respondents indicated that it was easier for women to purchase land. Further research is required into this matter.

4.6 Control over land

The study showed that control over land was strongly linked to land ownership, as allodial owners (=actual owner of the land) have the right to take major decisions with regard to the land (e.g. which investments to make, whether to sell the land, etc).

Land ownership among the communities studied was mainly vested in lineage's/ clans and family units. Clear differences, however, were observed between the districts (refer to table 7). Family units owned most of the land in the Hohoe, Ho and Keta districts, whereas most of the land in the Kadjebi, Jasikan, Kpando and South Tongu districts was owned by the clan/lineage. Stool lands were common in the Northern zone, especially in the Kadjebi district.

Table 7: Land ownership

Sub-regions	District	Family Units (%)	Clan/Lineage (%)	Stool (%)	Individuals (%)	Others (%)	Total number of responses (MR)
Northern zone	Jasikan	30	52	2	16	-	44
	Kadjebi	11	45	42	1	1	105
Central zone	Kpando	43	51	2	4	-	53
	Hohoe	66	34	-	-	-	58
	Ho	50	35	4	8	3	48
Southern zone	Keta	65	19	-	16	-	72
	South Tongu	30	53	5	12	-	42

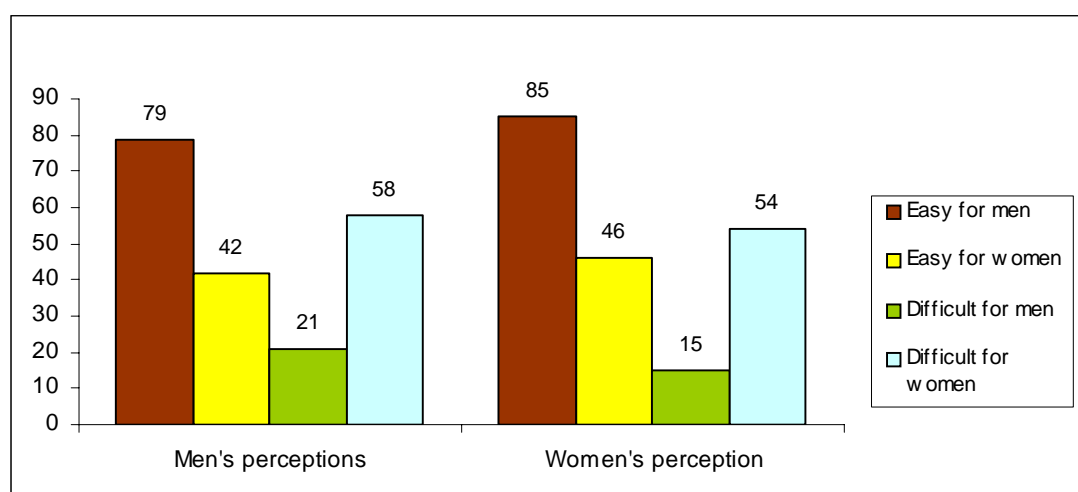
Source: WILDAF Study 2000

It was interesting to note that even if lineage and family heads owned the land, chiefs or stool heads could still take decisions with regard to the land. They could, for example, initiate compulsory acquisition of the land for community development projects.

Control over land was mainly ascribed to men due to the higher status credited to them by society, the advantages accorded to men through the patrilineal descent system, the fear of losing family land upon marriage of a woman to someone from outside her clan or lineage, their leadership roles at the household level (e.g. as head of the family, as decision-makers etc.) and community level (e.g. as lineage, clan and stool heads), and their relatively better financial positions. A woman from the Jasikan district explained: *“Women own the crops they grow but not the land. The real owners are men. Therefore a woman’s interest to the land can at best be described as a short term lease.”*

Men’s greater control over land was further highlighted by the fact that they had greater opportunities to own land in the communities studied than women (refer to figure 4). Fifty-five percent of the respondents (N=166) indicated that it was difficult for women to own land, whereas only seventeen percent of the respondents (N=52) indicated that it was difficult for men to own land.

Figure 4: Opportunities for men and women to own land (in %)



Source: WILDAF Study 2000

Respondents who indicated that it was difficult for women to own land (55%; N=166) ascribed this to the facts that women were traditionally banned from land inheritance, most of the land within the community belonged to the lineage, and the patrilineal inheritance system favoured men over

women. Respondents who indicated that it was easy for women (45%;N=134) to own land ascribed this to the fact that these days both sons and daughters inherited land and women had the ability to purchase land.

Despite the constraints encountered by women with regard to land ownership, respondents indicated that there had been an increase in land ownership amongst women in their communities. This was ascribed to women's increased abilities to purchase land (often with incomes generated through trading activities) and their increased receipt of land as gifts from parents, grandparents and/or spouses. Thus, traditional barriers to women's acquisition of land are beginning to break down in the Volta Region.

4.7 Decision-making with regard to land

Male dominance in decision-making is a strong feature within the Ewe culture. The study showed that men were seen as natural leaders as they had the heart, head and patience to lead. They had been leaders since biblical times and continued doing so because of their closeness to their fathers and grandfathers. They knew the traditions and history of their lineage, had conquered land for the benefit of the lineage and were more familiar with the land boundaries. Women were considered to be too weak to be leaders, as traditionally they were not permitted to go to war, they could not settle land disputes effectively and therefore they could lose large portions of land to opposing lineages. Furthermore, women would desecrate the stool because of their menstrual cycle and could not perform traditional tasks such as the pouring of libation. Therefore, stools, totems and all symbols of leadership were generally instituted in the name of men.

These perceptions, however, do not lend credence to the increasing roles played by women in agriculture the Volta Region. It also underestimates the ability of women to participate effectively in decision-making and their capabilities to become leaders and major decision-makers if given a chance. An appeal was made, during the focus group discussions, to give women a chance to prove their capabilities rather than suppress them on the unproven assumption that they are unable to lead and cannot take the right decisions¹⁵. Women were encouraged to organize themselves in order to obtain leadership roles and major decision-making responsibilities. The Queen Mothers Association in the Jasikan district was presented as an example of an association that had achieved a representation in the Traditional Council and was lobbying for a representation in the Volta Regional House of Chiefs.

Very few changes had been observed in terms of leadership and decision-making within the communities studied. Only two percent of the respondents (N=5; NT=284) indicated that there had been noticeable changes with regard to the preference of men as lineage and stool heads. Ninety-eight percent of the respondents (N=279) indicated that there had been no changes with regard to land selling powers and decision-making powers of lineage and stool heads on land issues. Respondents explained that decision-making powers had remained much the same either because change was not considered necessary (i.e. the system functioned well) or because it was considered to be too difficult to change existing traditions. Thus, it appeared that male dominance in decision-making processes had been accepted by men and women as a fundamental feature of traditional law.

As mentioned in the literature review, most decisions on land issues were taken by men during lineage, clan or stool meetings. Women seldom participated in such meetings and if they did, they were generally listeners or resource persons. Decisions on what crops to grow were generally

¹⁵ A male traditional ruler from the Central zone provided the following explanation as to why women should not have control over land: *"Firstly, women's gossiping could lead to the careless disclosure of secrets pertaining to family and community land. Secondly, rights to land, go with responsibilities. One of the responsibilities is the obligation to defend the land, and women are unable to handle such responsibilities. Thirdly, land is the most valuable asset a family can ever own and therefore needs to be protected to its maximum, something only men can do. Finally, tradition has determined that women cannot be heads of families and therefore cannot play a leading role in matters affecting land."*

made by men and women. Eighty-five percent (N=250) of the respondents indicated that men and women had equal rights to choose which crops to grow. Whether these rights were pursued depended on their resources (e.g. access to credit, access to labour etc). Thus, having the right to take decisions does not necessarily mean that one can actually exert these rights.

4.8 Changes in access to and control over land

Various changes were observed with regard to men's and women's access to and control over land in the Region. Land ownership has evolved from family ownership (e.g. acquired through allocation and inheritance) to individual ownership (e.g. through purchase and gifts) due to increasing population pressures, agricultural intensification and commercialisation. The increased importance of the nuclear family over the extended family has resulted in a loss of the latter's commitment to defend the interests of the former and the breaking down of traditional systems that provided security to vulnerable groups in society, such as women and the poor. This process has evolved over the years and can be analysed from a historical perspective.

Before colonial rule

Virgin lands and forestlands were an abundant commodity before colonial rule. Land was commonly obtained through conquest or appropriation under the leadership of the stool, clan or lineage heads. Families inhabited such virgin areas under the guidance of male household members, as they migrated from place to place. There was much trust between each other in those days and some fathers would give portions of the family land to men who requested their daughters in marriage; a practice that no longer exists. It was during this time that increased male control over land developed, as men generally cleared the virgin and forestlands.

During colonial rule

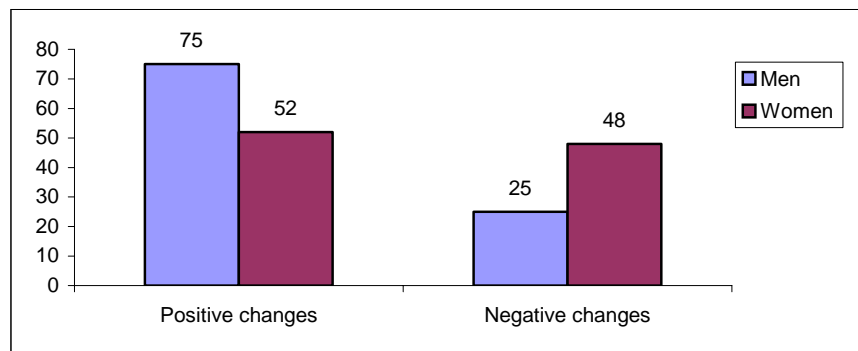
Colonial rule introduced divide and rule methods of governance and land policies based on land demarcations and compulsory acquisition. In addition, the colonial authority strongly favoured the growth of cash crops over food crops to meet of the growing industrial revolution abroad. The positions of many women were marginalized through these developments, as women were actively involved in food crop production.

After independence

Few changes were observed after independence; two thirds of the respondents (65%;N=189) indicated that there had been no noticeable changes in women's access to and control over land after independence. Those who had observed changes (35%) expressed either positive or negative changes (refer to figure 5). Male respondents observed most of the positive changes, whereas female respondents observed most of the negative changes. The smallest numbers of changes were observed in the Southern zone, where three-quarters of the respondents indicated that there had been no noticeable changes.

Almost two thirds of the changes mentioned referred to an increase in women's access to and control over land (61%;N=84). Women had obtained greater access to land than before, greater possibilities to decide on which crops to grow, greater opportunities to own land, and greater choices in selecting plots.

Figure 5: Changes in women's access to and control over land (in %)



Source: WILDAF Study 2000

Positive changes were mainly expressed in Northern zone (67%) where it was noted that:

- Women had obtained more opportunities to own land through the purchase of land, by renting land or by receiving land as a gift. In addition, positive law reform measures in Ghana had made it easier for women to inherit land and to register land under their own names.
- Women's roles and responsibilities had changed within the agricultural sector. Women had taken up more agricultural tasks and had shifted their focus from only farming on family plots to also farming on individual plots. In addition, they had become more involved in the cultivation of cash crops such as cocoa and oil palm.
- People within the community had become more gender sensitive and women had become more empowered.

Over one third of the changes mentioned referred to a decrease in women's access to and control over land (39%; N=54). Women had obtained less access to land than before, fewer opportunities to own land, and less decision-making power with regard to the selection of crops and plots.

Negative changes were mostly expressed by respondents in the Southern zone (58%), where it was noted that women's access to and control over land had decreased due to the growing population pressures, an increased competition between men and women to acquire land, an increased commercialisation of the agricultural sector and the preferential treatment obtained by men through the patrilineal inheritance system.

4.9 Security of land tenure and agricultural productivity

The literature review revealed that empirical evidence on the relationship between the security of land tenure and agricultural productivity was scattered. This study showed that the majority of the respondents were of the opinion that if women were to obtain greater access to and control over land, it would have a positive impact on the household food supply household income and family welfare, due to their increased agricultural productivity. In addition, more secure land rights would give the users of the land greater control over their labour, a rational to invest (short and long term investments) in the land and crops, access to extension services, access to credit and inputs, bargaining power, and a higher status within the community.

More than four-fifths of the respondents (87%; NT=272) stressed that if women were to gain greater access to land this would be beneficial to the households. It would contribute to: a) an increase of food supply at the household level (27% of the responses), b) an increase of the household income (27% of the responses) and c) an improved family welfare (25% of the responses). Male respondents highlighted the improved family welfare, whereas female respondents emphasised the increase in food supply for the household.

A mere thirteen percent (N=35) of the respondents indicated that an increased access of female household members to land would make no difference to the family welfare, and four percent (N=10) indicated that a greater control of female household members over land would have a negative impact, as it would deprive others of land or the agricultural production would decrease due to bad farm management.

If women were to obtain greater control over land, respondents expected: a) an increase of food supply at household level (28% of the responses), b) an increase of the household income (28% of the responses); c) an improved family welfare (22% of the responses); and d) increased opportunities for women to decide on what to grow (18% of the responses). There were no significant differences between the sexes in the responses given.

Based on the data above, it may be concluded that:

- Most respondents, both male and female, were of the view that increased access to land by women would have a positive impact on the household in terms of food security, household income and family welfare; and
- An increased control over land by women would have an even greater positive impact on the household in terms of food security, household income and family welfare.

It was noted during the focus group discussions that increasing women's access to and control over land alone (e.g. by transferring ownership of land to women) is unlikely to effectively and substantially raise the agricultural productivity of women, improve the household's access to food and enhance the family welfare, as long as their access to other resources such as agricultural inputs, credit, knowledge and labour remain constrained. If women are to increase their productivity to the benefit of their families and households, as well as the local and regional markets, they also require an increased access to and control over other resources. The same observation has been made in *Ghana's Accelerated Development Plan, Vision 2020*, in which the Government highlighted the need to increase the literacy levels of farmers in the country to improve their agricultural practices. Again respondents indicated that the impact of increased literacy levels on the agricultural productivity would be limited if other needs (such as credit, agricultural inputs, etc.) are not addressed. Thus, the observations above are in line with the statements made by *Quisumbing et al.* and the Ministry of Food and Agriculture in the literature review (refer to page 6).