



## GENDER AND FOREST RESOURCE MANAGEMENT: A COMPARATIVE STUDY IN SELECTED AREAS OF ASIA AND AFRICA

POLICY BRIEF

### WOMEN'S LAND RIGHTS IN THE TRANSITION TO INDIVIDUALIZED OWNERSHIP: IMPLICATIONS FOR TREE RESOURCE MANAGEMENT IN WESTERN GHANA

*Agnes R. Quisumbing, Ellen Payongayong, J.B. Aidoo and Keijiro Otsuka*

**W**hile communal land tenure aims to provide equitable access to land for all households in a community, women's land rights within customary land tenure regimes are often weaker than those of men. If weaker tenure reduces women's incentives to invest, insecurity of tenure can be a barrier to increased productivity, diminishing their incentives to sustain resource use over time. Concerns have also been expressed regarding women's land rights in the evolution from customary to individualized land tenure systems.

*Changing land tenure and women's land rights.* Based on a survey of 60 villages in Western Ghana, where cocoa is the dominant crop, this study explores the impact of evolutionary changes in land tenure institutions on women's land rights and the efficiency of tree resource management. Traditionally, uterine matrilineal inheritance has been practiced in Akan households in this region, in which land is transferred from the deceased man to his brother or nephew (sister's son) in accordance with the decision of the extended family. Thus, wives, who belong to a different matriline, do not have secure rights to their husbands' land in the case of death or divorce. Recently, however, husbands have often transferred land to his wife and children as an inter-vivos gift, after she helps in planting cocoa trees. In our study sites, for both Akans and non-Akans, land received as a gift accounts for the largest proportion of land acquired, even larger than inherited land. Moreover, for Akan female-headed households, gifts are the most important manner of acquiring land.

The process of individualization of land tenure institutions was strengthened further by the passing of the Intestate Succession Law (ISL) (PNDCL 111) in 1985, which provides for the following division of the farm: three-sixteenth to the surviving spouse, nine-sixteenth to the surviving children, one-eighth to the surviving parent, and one-eighth in accordance with customary inheritance law. Thus, the law allows children and wives to gain access to

land that they were previously denied under traditional law.

*Determinants of land acquisition.* How do female-headed households differ with respect to the manner of land acquisition? We analyzed the determinants of land acquisition by households. Female-headed households acquire less forest land than do male-headed households, reflecting women's relative disadvantage in acquiring land through forest clearance, a traditional male activity. Older household heads also have more forest land, which indicates that cultivable primary forests have largely disappeared in recent years, due to the clearance of primary forests on a first-come-first-served basis. Household heads born outside the village also acquire more forestland due to their strong desire to acquire land for cultivation. Patrilineal households, who are usually long-distance, non-Akan migrants, acquire less forest land, since they have no rights to clear forests, unlike short-distance Akan migrants.

Female heads of households are also less likely to have been allocated family land, but this effect is not significant. Family allocation mechanisms may thus be less biased against women compared to forest clearing and land market transactions. Patrilineal households and those who have migrated to their current villages of residence have smaller areas of family land, since they do not inherit family land in the area of relocation.

Larger areas of forestland and family land make it less likely for households to seek additional land through renting and purchase. In short, land scarcity stimulates land market transactions. Migrants also seek additional land through renting or purchase more actively. Better-educated household heads are also more able to acquire land through renting or purchase, since these require previous savings, managerial ability, and access to information. However, female heads of households are significantly less likely to have acquired land through purchase and rental, indicating that they may be disadvantaged, relative to men, in land sales

Agnes R. Quisumbing and Ellen Payongayong are with the International Food Policy Research Institute, J.B. Aidoo is with the Institute for Land Management and Development, University of Science and Technology, Ghana and Keijiro Otsuka is with Tokyo Metropolitan University and the International Food Policy Research Institute. This policy brief is from one of six papers prepared by the International Food Policy Research Institute for a research project on "Gender and Forest Resource Management: A Comparative Study in Selected Areas of Asia and Africa" submitted to the United Kingdom Department for International Development. Copies of the paper and additional briefs are available from Cristina A. Quintos at [c.abad@cgiar.org](mailto:c.abad@cgiar.org).

and rental markets.

*Determinants of tree planting and cocoa yields.* We examined the determinants of the proportion of each parcel planted to cocoa. Male and female parcel owners are not significantly different with respect to tree planting. If women receive land only after it has been planted to cocoa, a woman managing a cocoa parcel in her own right would be no different from a male parcel owner in terms of the probability of planting cocoa. A strong and negative relationship exists between parcel size and tree planting, implying that larger parcels are likely to have smaller proportions planted to cocoa. This indicates that the land rental market is imperfect, because some portions of the parcel could have been rented for tree planting if the land rental market worked effectively. Neither does stronger land tenure security necessarily encourage tree planting. In fact, a larger proportion of cocoa is planted on land which is owned and allocated by the extended family. This suggests that tree planting on allocated family land, which has the weakest land rights, may in fact be used to strengthen tenure security.

We also estimated the determinants of cocoa yields on mature cocoa parcels. These results contrast markedly with those of tree planting. First, controlling for differences in land tenure and other parcel-level characteristics, female parcel managers obtain lower yields on their cocoa plots. While this may indicate greater credit and labor constraints faced by female farmers, it also suggests inefficiencies in intrahousehold resource allocation, since the household could have increased aggregate yields by reallocating resources across male and female-managed plots. It may also indicate that female parcel owners may concentrate more on the food crops grown on cocoa plots rather than on cocoa itself. Second, while the proportion of tree planted area is larger, tree planting density, subsequent management intensity, and yields are lower on allocated family land. Such behavior is understandable if one plants trees in order to obtain permission to transfer land as a gift.

Third, share tenancy in Ghanaian cocoa is inefficient, consistent with the inverse correlation between parcel size and the proportion of area planted to trees, because it is not necessarily advantageous for a landowner to rent out a portion of a large parcel to a tenant if tenancy is inefficient. Fourth, yields are not necessarily higher on parcels with stronger tenure. Once cocoa trees are planted, individual land rights are enhanced such that management incentives do not differ significantly among various land tenure institutions.

*Policy implications.* With increasing population pressure, customary land tenure institutions in Western Ghana have evolved toward individualized systems in order to provide appropriate incentives to invest in tree planting and management. Contrary to the conventional wisdom, individualization of land rights has strengthened women's rights to land. If labor-intensive agriculture increases the demand for female labor, as in the case of cocoa in Ghana, a woman's labor on her husband's plot may represent a form of "sweat equity" that confers individualized land rights to her.

While it is not necessarily land tenure security but expected *changes* in land tenure security that affect incentives to invest in tree planting and management, these changes may differ by gender. Women farmers typically have to

plant a larger proportion of parcels to cocoa before land is transferred as a gift. While women and men have equal probabilities of planting cocoa, the significantly lower yields of women parcel owners may indicate credit and other constraints faced by women, including their responsibility to provide food for their families.

While land titling is feasible only if land rights are sufficiently individualized, implementation of land titling programs must pay special attention to the gender issue. If men are traditionally owners of land, land titling may strengthen their land rights at women's expense. Men and women should be equally qualified for acquiring land titles, or titles could be awarded jointly to men and women. Judging from the experience of Ghana, the promulgation of the Intestate Succession Law is likely to be an effective policy option which would facilitate less gender-biased land inheritance systems in customary land areas. However, its effectivity also depends on women's knowledge of the provisions of the law and their ability to enforce their claims in court. Nevertheless, transferring ownership of land to women is unlikely to raise productivity if access to and use of other inputs remains unequal. Attempts to equalize land rights of men and women are unlikely to lead to gender equity and improved efficiency and productivity of women farmers unless other constraints faced by women are also addressed.

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