

# The Poor and Land: A Situational Analysis of Access To Land by Poor Land Users in Ghana

Olivia Kwapong  
University of Ghana  
[okwapong@ug.edu.gh](mailto:okwapong@ug.edu.gh)

## Abstract

This article examines the situation of poor land users in Ghana. Literature was analyzed on how various issues affect poor land users, and gaps in the literature were identified. An identifiable gap in the literature concerns innovation in, for example, chieftaincy institutions and the impact of such innovation on the poor's access to land, which could make it difficult to implement such policies as land banks, cooperative ownership schemes, and land trusts. The absence of *empirical* studies that shed light on the quantitative relationship between incomes and access to land by the poor indicates that policies are likely to be based on guesswork and luck. To bridge the gaps in existing literature there is the need to organize thinking along disciplinary lines and identify critical crosscutting and interdisciplinary themes supportive of effective policymaking.

Key words: Ghana; poor land users; land-access policies; situational analysis

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## 1.0 Introduction

The study analyzes the systems that affect the poor land user. Given the multidimensional nature of the land issue, the literature survey is grouped under land tenure, policy, administration, reform, and the Land Administration Project (LAP).

*The Growth and Poverty Reduction Strategy II (GPRS II)* counts as poor about 25.9% males and 37.4% females who have never attended school and 44.5% who are employed in agriculture (Ghana, 2005). In *The Ghana Poverty Reduction Strategy I (GPRS I, 2002)*, poverty is defined as an unacceptable physiological and social deprivation, which may be caused or exacerbated by:

- the lack of capacity of the poor to influence social processes, public policy choices, and resource allocations;
- low capacities through lack of education, vocational skills, entrepreneurial abilities, poor health, and poor quality of life;
- the disadvantaged position of women in society;
- exposure to risks through lack of financial, social, or physical security;
- low levels of consumption through lack of access to capital, social assets, and land and market opportunities;
- exposure to shocks due to limited use of technology to stem effects of droughts, floods, army worms, crop pests, crop diseases, and environmental degradation;

- inadequate environmental protection measures;
- lack of macroeconomic stability that erodes the resources of the poor through inflation and other variables;
- the inability of the national economy to optimize benefits within the global system;
- habits and conventions based upon superstition and myths giving rise to antisocial behaviour; and
- other factors leading to vulnerability and exclusion (Ghana, 2002; Ghana, 2005).

Emerging from the definition and descriptions of the poor and poverty is a group of the population whose livelihood is closely tied to landownership and land use that is also identified as poor. This group includes the 44.4% of the population who work in agriculture and are categorized as poor and those with low levels of consumption through lack of access to capital, social assets, and land and market opportunities. The Ghana Living Standard Survey 4 (GLSS 4, 2000) found that in terms of economic activity, poverty is highest among food crop farmers and women predominate in this sector. The contribution of this group to the national incidence of poverty is much in excess of their population size. Poverty is also high among export farmers (Ghana, 2000).

### ***1.1 Defining Poor Land Users***

The concept of “poor land user” may have at least three meanings. The term may refer to (a) people who use land poorly through improper care or management; (b) people who use land that is poor (infertile land); and (c) people who are poor and use land. In this study, the third meaning is employed. Another challenge in understanding the term is the definition of the word *poor* as used in relation to land. *Poor* may refer to one who is economically poor, for example, in the context of income, or one could be economically rich but is poor because of the person’s limited access to and control over land. These ambiguities are the result of the cultural context within which land is owned and used by the people in Ghana. There are individuals who are considered poor based on an economic definition of poverty and yet may have access to considerable portions of land based on their status as family/lineage head or simply a member of a family and community. Such individuals could not be categorized as poor in relation to access to and control over land. Poor land users could also simply refer to the landless who depend on land for their economic activities. In the context of this article *poor* refers to individuals who are economically poor (poor people). Thus, a poor land user as used in this paper refers to any individual (male or female, youth, small-scale farmer, indigenous, or migrant) who has limited access to or control over land at any point in time of need. These are usually the marginalized or vulnerable groups of land users. Customary and traditional arrangements often exclude individuals such as women, migrant farmers, or the youth in some parts of Ghana from equitable and secure access to land, and also from participating in decision making on issues concerning land (CARE, 2004a, 2004b, 2004c, 2005; Government of Ghana [GOG], 2002; Nzioki, n.d.).

## **2.0 Issues Relating to Access to Land by the Poor in Ghana**

### ***2.1 The Land Tenure System and the Poor***

Ghana has an agrarian economy. The majority of farmers are small-scale food crop producers with a 59% incidence of poverty. National land and agricultural policies have not adequately addressed the needs of the poor small-scale farmer regarding access to and control over land resources. Access to land is explained as the ability to use the land resources in a community for grazing or growing of subsistence crops (CARE, 2005). Land tenure is about the institutional framework within which interests in land are granted, acquired, held, and utilized or left dormant in the process of land management and development. It denotes the system of landholding, which has evolved from the peculiar political and economic circumstances, cultural norms, and religious practices of a people (Kassanga & Kotey, 2001; OXFAM, 2004).

The land tenure systems in Ghana are complex and reflect the unique traditional political organizations, sociocultural differences, and attributes of the various ethnic groups, clans, and families. Clans and families are the outcome of historical alliances in wars, conquests, and assimilation of the conquered. Land tenure in Ghana is administered in a plural legal environment. There are two main classes of land: private (customary) and public. The private sector holds 80% to 90% of all the undeveloped land in Ghana, with varying tenure and management systems. In most parts of the country, private lands are in communal ownership, held in trust for the community or group by a stool or skin as a symbol of traditional authority or by a family. Depending on the culture or practices of the people, the seat of the chief or king is described as a stool or a skin. The chief or king who represents the stool or skin takes custody of the land and holds it in trust for the people of the land. Stool or skin lands are features of landownership among almost all the Akan traditional groups in southern Ghana and in most traditional groups in northern Ghana. Landholdings under stool or skin include

- individuals and families;
- communities, represented by stools, skins, clans, and families; and
- *Tendamba* (i.e., the first settlers) or clans (Kassanga & Kotey 2001; Ministry of Land and Forestry [MLF], 1999).

Ownership of the customary land is intergenerational. Allodial title to the land resides in the community, stool, skin, and clan and, in some instances, the individual. It is nontransferable. It is from the allodial title that all other lesser titles, interests in, or right over land derive. There are significant differences in customary tenure and management systems all over the country. Customary tenure and management systems vary from location and tribe and the use to which the land is to be put. Some traditional groups do not recognize a stool or skin as symbolizing private communal landownership. In such instances, the traditional arrangement is normally that of vesting landownership in the clan, family, or individual. This practice is prevalent in the Volta Region and some traditional areas in the central, eastern, northern, upper east, and upper west regions of Ghana, as well as in Greater Accra (MLF, 1999).

Public or state lands are customary lands that have been compulsorily acquired by the government through the invocation of appropriate legislation

promulgated during colonial rule and the postindependence era. Such land is vested in the president and held in trust by the state for the entire people of Ghana. This constitutes about 20% of lands in the country. Ownership and management control is held by the state. The Lands Commission administers state lands on behalf of the government.

Between the private and public lands are the vested lands, which form a split ownership between the state and traditional owners (CARE, 2004a, 2005; Economic Commission for Africa, 2004; OXFAM, 2004).

The existing system of tenure points to several paths for access to land by the poor. Land may be acquired in a formal or informal agreement. It may also be acquired within a collective or individualized context, which includes

- intrafamily transfers, such as inheritance and allocation of plots to specific family members;
- access through community membership and informal land markets;
- access through land sales markets; and
- access through specific noncoercive policy interventions, such as land-assisted land reform (Lund, 2000).

During a workshop on land security for women in the Upper East Region it was observed that there were different levels of ownership or access to land. These levels, which reflect the different dynamics in landownership in some parts of the country, include the following:

- Absolute and permanent ownership. The occupant has all the rights to use the land and the trees for whatever purpose, including outright sale in consultation with family members.
- Absolute ownership of land but not the trees. Except for the trees, the occupant has all the rights to use the land for whatever purpose, including outright sale in consultation with family members.
- Ownership of the land as long as the occupant is using it for agricultural purposes or only for the purpose for which it is designated. For all other uses the occupant has to consult the owner.
- Temporary ownership. This is seasonal use of land. After each season the land goes back to the owner (CARE, 2004b; Nzioki, n.d.).

In theory there are no landless people in Ghana, since in one way or another everyone has access to land. Indigenous people have access to stool, skin, or family lands, while migrant farmers could also access land through the sharecropping or hiring system. Meanwhile emerging practical challenges are affecting access to land, most especially among the poor. Much as indigenous people or family members could access land through customary regulations, it may be possible that due to poverty, such people or the custodians may rather prefer to sell or hire out greater portions of the lands and use small portions for farming food crops. Landowners who sell their land out of poverty could also become sharecroppers for the buyers. This implies that the landowners may not have adequate capital resources to utilize their lands for commercial farming. Kassanga and Kotey (2001) observe that customary systems are undergoing rapid change and

evolution, especially in the south. Tenancy and sharecropping are becoming widespread. There is also a weakening of fundamental principles of customary land law and a breakdown of the trusteeship ethos, which have resulted in landlessness, homelessness, endemic poverty, and general insecurity for women and men in periurban neighborhoods. It may therefore be useful for policy purposes to assess and define access to land as *effective* access to land, that is, access that is subject to an individual's ability to develop the land and put it into productive use.

Results on land/plot ownership in the GLSS 4 (2000) indicate individual ownership of land is not very encouraging in the country. There are only 16% of land/plot owners in urban areas, 27.3% in rural areas, and 23.2% at the national level (see Table 1).

Table 1. *Ownership of Land/Plot (%)*

| Asset/<br>consumer<br>durable | Urban |                |       | Rural   |        |          | National Estimates |                                    |                           |       |
|-------------------------------|-------|----------------|-------|---------|--------|----------|--------------------|------------------------------------|---------------------------|-------|
|                               | Accra | Other<br>urban | All   | Coastal | Forest | Savannah | All                | Households<br>owning<br>(millions) | Total owned<br>(millions) | All   |
| House                         | 13.4  | 16.5           | 15.6  | 37.9    | 36.0   | 42.0     | 38.0               | 1.21                               | 1.31                      | 29.8  |
| Land/plot                     | 11.8  | 17.6           | 16.0  | 22.7    | 37.7   | 10.7     | 27.3               | 0.94                               | 1.06                      | 23.2  |
| <i>n</i>                      | 620   | 1,579          | 2,199 | 899     | 1,940  | 960      | 3,799              | (13.43)                            |                           | 5,998 |

Source. GLSS 4 (2000, p. 112, Table 10.1).

Individuals who may not have farmland at all and are poor may also not be able to acquire land, because they simply do not have the capital resources to do so.

Some perceive that security of access and more production will take place when the market is allowed to freely allocate land resources because land would be bought by the most productive user; however, one can be sure that if not supported, the poor will be the losers in such a system. The risk exists that rich people might buy the land and use poor people on it as sharecroppers. Lands are being bought by the rich at the expense of the poor, threatening periurban agriculture, which provides a livelihood for the urban poor. In many cases rural dwellers do not have experience or knowledge of land legislation to negotiate the sale. The purchasers therefore take advantage of the situation. In the case of outright purchase, even where the community or family is paid a "fair market price" they may lose the right to use the land forever (CARE, 2004c). The poor may participate in land sales if they can have financial resources from the capital market or are supported by both governmental and nongovernmental agencies to acquire the land.

Feder (2000) has argued that renting of land will be in the better interest of the poor than outright sale (to the rich). If rented, at least the youth or children will grow to inherit the property. Land policies need to ensure that poor people gain new livelihood opportunities and that their rights are protected. To emphasize, land policies need to be considered in the wider context of poor people's productivity and livelihood, provision of services (health, education, advice, technologies), and access to markets (Department for International Development [DFID], 2002).

## **2.2 The Land Policy and the Poor in Ghana**

In recognition of the constraints in land tenure in Ghana, a policy framework was drawn up in 1999 to address the challenges and ensure equity in land allocation and landholding and to maintain a stable environment for the country's sustainable and economic development. Among its specific objectives, the National Land Policy (NLP) seeks to

- facilitate equitable access to and security of land tenure based on registered land;
- protect the rights of landowners and their descendants from becoming landless or tenants on their own lands;
- ensure payment, within reasonable time, of fair and adequate compensation for land acquired by governments from stool, skin, or traditional council, clan, family, and individuals;
- promote community participation and public awareness at all levels in sustainable land management and development practices to ensure the highest and best use of land, thereby guaranteeing optimum returns on land; and
- ensure continuous education of the general public on land matters (Forestry, 2000; Ghana, 2000).

The strategic direction of the NLP points to expansion of existing land registration procedures in order to quickly facilitate investment. The policy assumes that titling procedures structured around the requirements of investors will ultimately benefit the majority, rather than exaggerate pools of insecurity and heighten poverty. The NLP has noted the injustice and shortfall in compulsory land acquisition as one of the nine major problems facing the sector (MLF, 1999). Compulsory acquisition of land by the state affects the poor to a very large extent. Wily and Hammond (2001) give some instances of compulsory acquisition of land. Populations in 46 villages in the Twifo-Hemang area of the Central Region have been tenants on their own land for more than 100 years. Other cases constitute virtual theft of occupied lands, such as the case of Ofankor in Accra in 1978. Payments of compensation are often delayed or in some cases are not made at all.

In cases of compulsory acquisition of land, the poor and those with the least capacity to secure any paid compensation are the most affected since they are evicted from their lands and lose their sources of livelihood. In situations where the government compensates the landowners, the compensation covers only farm crops on the land but not the land itself. This adds significantly to the distress of the original landowners. The owner loses the long-term value and usage of the property.

Several other aspects of land policy and its implementation that do not work in favor of poor land users have been identified. In their study *Land Security and the Poor in Ghana: Is There a Way Forward?*, Wily and Hammond (2001) state that insofar as the NLP is benign in many of its stated principles, it does not offer a clear pro-poor vision of enhancing land rights and thereby lay a real foundation for growth with equity. The policy also fails to deal with the greater difficulties that the economic and institutionally poor experience in securing their land rights. The thrusts of the policy have been described as diverse, ambivalent, and inconsistent. Land policies need to be built on the progressive principles of customary land tenure. Participation of customary authorities in land policy formulation will also

facilitate the effective implementation of land policies at the community level for national development.

The NLP indicates commitment to community participation, which offers an opening for more inclusive and developmentally sound strategies to land security, including the establishment of locally founded land administration systems. But one wonders the extent to which this is implemented. In an agrarian nation like Ghana, the interests and rights of small-scale farmers and of vulnerable groups like women, settler farmers, and the youth must be adequately addressed in the land policy.

Land policy research by OXFAM (2004) in the Northern Region of Ghana emphasizes that the policy lacks a pro-poor vision and has weak linkages between the Ghana Poverty Reduction Strategy and the NLP. Agricultural and environmental issues have also not been fully integrated into the NLP. Land, agricultural, economic, and environmental policies are fragmented and have no strong linkages to each other. Meanwhile no sustainable development can take place without an integrated and harmonious approach in land, agricultural, environmental, and economic development policy goals. Policy will contribute to poverty reduction if it leads to (a) equitable access to land, (b) better security of tenure and protection of rights, and (c) the development of capacity at the local level for the administration and management of land. It is obvious that if the policy favors a market economy position of allowing the market to allocate all productive resources, then the access to land by vulnerable groups (women, migrants, youth, and the poor) will be compromised.

Development workers, chiefs, and other traditional landowners have a role to play in ensuring that the poor have equal access to land. In addition the state has a crucial stake in this. Borras (2006) remarks that pro-poor land policies in most contexts in the developing world entail the redistribution of land-based wealth and power. This needs to be supported by the state because it is the state that has the authority to command compliance from recalcitrant landed elites and to enact pro-poor land laws.

### ***2.3 Land Administration and the Poor***

The DFID (2002) report *Better Livelihood for Poor People: The Role of Land Policy* considers how land policies can contribute to poverty reduction and the achievement of the United Nations Millennium Development Goals and explains that land institutions are a vital element of governance. Where they are weak, the rights for the poor are particularly at risk. Well-functioning property rights and land institutions underpin economic development and help reduce corruption and social conflict.

Following the two types of landownership in Ghana (public or state and private lands), land administration is classified into two categories, namely public and private institutions. The legal framework for land administration has developed from colonial times in a piecemeal and ad hoc manner in response to specific issues or political dictates. The 1992 constitution sets the legal-pluralism framework in place. Article 267(1) says that all stool lands shall be vested in the appropriate stool on behalf of and in trust for the subjects of the stool in accordance with customary law and usage. This implies that the indigenous owners make all management decisions and exercise the powers that go with ownership.

These powers include the right to own, sell, receive payment for, and manage a plot, decide on who is allocated a plot, and decide the terms, conditions, and price for a particular grant. Yet Article 267(2) sets up the Office of the Administrator of Stool Lands (OASL) and charges the office with the collection and disbursements of all stool land revenues, defined to include all rents, dues, royalties, or other payments, whether in the nature of income or capital from stool lands. The implication is that even though indigenous owners have the capacity to manage their lands and enter into contracts they do not have the capacity to collect the monies they negotiate for.

The institutional arrangements for land administration in Ghana are shared among six public-sector land agencies under the Ministry of Lands and Forestry and Ministry of Environment, Science, and Technology. These are:

- Office of the Administrator of Stool Lands, which collects land revenue and disburses some to beneficiaries as stipulated by law.
- Lands Commission, which manages all public lands and administers all records on public lands, grants, or compensations to all stool lands transactions and advises government on other landholdings and land administration functions.
- Survey Department, which plans, supervises, and executes all land surveys and the production of maps and plans required for socioeconomic development.
- Land Title Registry, which registers, compiles, and maintains all titles to land and interests in lands.
- Land Valuation Board, which provides valuation services to the public sector for statutory and nonstatutory purposes.
- Town & Country Planning Department, which promotes orderly and efficient management of all human settlements.

This system presents several challenges to the poor in getting a title deed processed through the land sector agencies because of the following:

- The cost of surveying land is beyond the reach of the poor.
- The centralized process of land titling makes it difficult for people in remote areas to go through the process.
- The cumbersome process of dealing with six land sector agencies, each with different titling requirements, means that it takes from 1 to 5 years to process land titles in the country.

Meanwhile these formal land titles do not have much value for poor landowners. Owing to the complexity of the country's land laws, titles may not be accepted as loan collateral. Land titles are rather valued by those involved in urban development, commercial production, and plantation development.

The capacity of traditional authorities, families, and individuals who manage the customary lands is also weak, so they hardly have any records on land transactions they have undertaken. They have become dependent on the public sector agencies to manage their lands in terms of recognized registration, authorization, and official revenue collection. This has led to their losing control over their lands and confusion over revenues (CARE, 2004a; CARE, 2005; Wily & Hammond, 2001).

Wily and Hammond (2001) have discussed in detail the issues involved in management of the customary lands by the public sector agencies and how this militates against the poor. The state has taken over control of forestland as both manager and regulator of their use. This jurisdiction is exerted in respect of both reserved forests and off-reserve forestland (Concession Act 1962). The communal and forestlands have a wide range of values such as sand, stones, riverbed palms, and timber, among others. An elaborate revenue collection system has been put in place for these resources, but this system favors elites and disadvantages poor people, who have no part in deciding how these revenues are allocated. Returns on the use of these lands come first to the state (Forestry Commission), which retains approximately 60% of the revenue in order to cover management costs and develop itself as a viable management institution. For the remaining revenue, 10% is retained by the OASL to cover its administrative costs. Then the rest (30%) is distributed according to a constitutional formula among the owners of the stool. It is in the construction of this formula that so great an opportunity is given for chiefs to forget that they do not own the commons themselves but hold these in trust for the real owners, members of their communities of which they are part. The constitutional formula requires that OASL distribute the revenue as follows: 25% to the stool “for the maintenance of the stool in keeping with its status,” 20% to the traditional authority (generally the paramount chief and his council), and 55% to the District Assembly (Constitution 1992 Article 267 [6]). This formula presents problems for communal members. Since there is no instruction of distribution among the communal owners, there is a high possibility for the chief to use the resources to meet personal demands or to enhance his status. A common use of these funds is for building new palaces. Part of such resources could also go to a regional or subregional council of chiefs. The delivery of 55% to the local government (District Assembly) also gives the chief an excuse to avoid any obligation to share the income with members of the community or to use it to develop the communities. He could argue that the purpose of this formula is to channel benefit to residents of the district, if not specifically to the local owners of the communal property from which the revenue originally derived.

Such arrangements could make room for upward concentration of authority over land, from people to chiefs and from chiefs to state, and to a large extent at the expense of the poor. Such practices also encourage land grabbing. Individual members of the communal property-owning group seek to bring as much common property as they are able under individual rights, thus circumventing the emerging orthodoxy that forestlands belong (only) to the chief. Thus corruption is creeping into the chieftaincy institutions as chiefs are observed to be shifting from being custodians of the lands to becoming landowners. The Ghanaian state and, specifically, the Forestry Commission are also losing an invaluable opportunity to provide the incentive through which forestlands may be actively protected and managed at the local level and possibly by the poor.

Recognizing these mitigating practices against the poor in the administration of customary lands one will recommend that there should be no compromise on the NLP objectives with regard to protecting the rights of the poor. Democratic processes are needed throughout the design and implementation of the LAP to ensure that the interests of the poor are well represented.

## **2.4 Land Reforms and the Poor**

Existing land policy and its administration are not alone in presenting challenges to poor land users. Researchers have identified some inhibitions in land reforms that affect the poor land user to a large extent. Kassanga and Kotey (2001) observe that the state's land machinery is inequitable, unjust, inefficient, and unsustainable. State management of land has generally worked against the interests of poorer groups while benefiting the government bureaucracy and those able to wield the levers of power in the modern state sector. Interventions by the Lands Commission, such as compulsory acquisition of land and nonpayment of compensation, have resulted in social unrest, displacement of villagers, and landlessness in affected communities. This calls for the need for land reforms that best suits the people in the country, most especially the poor.

Augustinus (2004) reports that there are new land registration laws being introduced in a number of countries in an attempt to move away from colonial forms of land administration and also to develop land administration systems and laws that closely reflect the social land tenure on the ground (customary and/or informal). Meanwhile some land reform legislation that aims at making land available to poor people has resulted in denying access to this very group. Land reform can potentially be exclusionary, benefiting the relatively better off and nonpoor, rather than the rural poor. Often, women, farm workers, and indigenous communities are effectively excluded. Livelihoods that subsequently emerge from land reform processes for some can also mean the subsequent loss of livelihoods for others. It is therefore necessary to ensure that the character of land policies is inclusive and truly pro-poor.

During land reform, the negotiating table is generally reserved for the very powerful and wealthy stakeholders, excluding the vast majority of the poor land users, land poor, and landless, whose productivity and linkage to the economy are key to eradicating poverty. Nomadic herdsman whose activities help to maintain soil fertility are also excluded. Much as the Ghana land policy seeks to educate the masses on land policy at the community level, traditional authorities from both urban and rural areas, women's groups, and migrants generally admit ignorance of the existing land policy so they cannot provide input to land reform (Deininger, 2004; DFID, 2002; Feder, 2000; Gayiyya, 1999; Integrated Social Development Centre, 2001).

Inhibiting factors in land policies and administration will lead to the need for land reform. Lessons have shown that the poor are often missing at land reform tables. A pro-poor land reform policy needs the voice and input of the poor. As remarked by Borrás (2006), if land reform and rural poverty eradication are issues that directly concern the rural poor, then, as emphasized in the *Rural Poverty Report* (International Fund for Agricultural Development [IFAD], 2001) and at the meeting of the Farmers' Forum at IFAD in February 2006, the rural poor themselves must get organized and mobilize to assert their rights for successful redistributive land reform. Policy reform has to be made an integral part of rural poor people's initiatives to build and sustain their livelihoods. For the rural poor, this implies bringing the question of access to and control over land resources into their organized efforts to get access to and control over the other five capital assets (financial, human, natural, cultural, and social). The state and civil society have roles to play in achieving this.

## **2.5 The LAP and the Poor**

The 15-year LAP was launched in October 2003 to provide high-quality, reliable, and efficient land information and management services through teamwork and modern technology to customers and stakeholders. The four components of the LAP seek to

- create harmonious policy and legislative framework as the basis for a sustainable land administration system;
- undertake institutional reform and development within the land administration system;
- improve land titling, registration, valuation, and information systems; and
- establish project management, monitoring, and evaluation systems.

The underlying principle of the project is to establish a highly responsive land administration system that is fair, transparent, cost-effective, efficient, and client-centered. The various activities of the project show that systems will be put in place to facilitate land administration in Ghana and to harness the potentials of the customary land administration as well. On paper the import of the project looks good and one could appreciate that if effectively implemented, the LAP will be pro-poor. Karikari (2006) observes that the project was necessitated by the need for Ghana to move toward increasing use of digital technology systems and to design a properly structured computer-based land information system that would record basic cadastral information and better allow user access and integration within different datasets. It was also necessary that the existing agencies be placed under one management since they remained fragmented, ineffective, and inefficient in their present operations. Proposals have been made that government divest itself of direct management of stool lands, implement a process of re-engineering to reduce transaction cost of land registration, and reform law on compulsory land acquisition to reduce the incentive for unnecessary acquisition of land by government. It is anticipated that the project will help reduce poverty and enhance social and economic growth by improving security of tenure (MLF, 2003).

There are concerns as to whether the project could address the land-use problems of the poor in Ghana, particularly in relation to land registration. In their study *Land Registration in Eastern and Western Regions of Ghana*, Alhassan and Manuh (2005) note that smallholder farmers have little knowledge of formal registration and are very unlikely to use it to make their land rights more secure. Indigenous people think that they have a natural right to the land so they do not usually register their landholdings. Again, a few mechanisms enable registration, either formal or informal, to protect poor and vulnerable people from suffering the effects of land scarcity and the marginalization that it brings. The study concludes that land registration has not explicitly targeted the poor, who compose the majority of Ghana's rural population, and recommends that care be taken to ensure that registration does not further marginalize poorer and more vulnerable people. Toulmin and Pepper (2000), for instance, have observed that titling procedures may provide easier sale of land and facilitate investment but may lead to the insecurity of tenure for the poor who might be unable to participate in the land market for lack of money. The study further recommends that registration be decentralized to the district level and all fees be reduced to encourage smallholder

farmers to participate. Increased awareness creation and consultation about registration processes were also recommended (Alhassan & Manuh, 2005).

The activities of the Millennium Challenge Account are all land related, hence the project also seeks to promote land titling in the country. The framework of the Millennium Challenge Account will obviously have to be implemented in collaboration with the LAP. The formulation of land policy and the implementation of the LAP could be seen as the development process of the nation-state making guidelines for the tribal state. The policy needs to articulate how to reconcile the need to promote private-sector growth and the possible reduction in access of land to weaker groups of people if the focus of the policy is the establishment of land markets to attract investment (Toulmin & Pepper, 2000).

Some foreign, packaged programs can have negative impacts on developing countries, and there is a danger of focusing on targets set by the World Bank as a yardstick of measuring the land reform process in Ghana. Such donor-driven land projects may not facilitate the emergence of a land reform process that is owned by the stakeholders. The LAP seeks to streamline land markets in Ghana to attract investors. This is a process that could marginalize the poor majority and bring about injustice in the system. It has also been observed that the project might not contribute meaningfully if it leans too much toward achieving the targets set by the World Bank (CARE, 2004c).

Toulmin and Pepper (2000) recommend that the policy needs to come out with strategies to deal with changes in the land administration to ensure transparency on the part of “trustees” of land. The strengthening of the customary secretariat may contribute to demarcation of traditional land boundaries. However, enhancing the present registration and titling process, without some fundamental balance of power between the trustees and communal owners, might facilitate the takeover of the ownership of the stool or skin lands by the chiefs as individuals not as custodians.

The implementation of the program has generally been slow. Other observations are that the institutional arrangements of the program will not facilitate the desired participation of civil society, although there is evidence that the project strives to strengthen collaboration with civil society organisations. Intensified effort must be made to bring various stakeholders on board and to provide a voice to the vulnerable and disadvantaged. Awareness also needs to be created about the importance of land in the development agenda, and participation should be solicited that will lead to the establishment of social discourse around the issues of landownership, tenure, demarcation, registration, and titling.

### **3.0 Gaps in the Literature**

The extensive literature discussed in this paper raises questions about the usefulness of existing information in designing and implementing policies to improve poor households’ access to land in Ghana. Effective policies are driven by the availability of information that allows an assessment of alternative policy choices. Thus, it is important for researchers and policy leaders to undertake initiatives that seek to bridge the gaps in existing literature. One way to pursue the gap-filling effort is to organize thinking along disciplinary lines in addition to identifying critical crosscutting and interdisciplinary themes supportive of effective policymaking. For brevity, this paper will organize the discussion on information

gaps identified in the economics, political, social, and cultural literatures on the subject of access to land by the poor. Given the extent of the literature, simple policy examples are used to illustrate the gaps identified in the discussion. The idea is to invite readers to begin to reflect over other issues that fit the context presented in these examples.

### ***3.1 Economics Literature***

The most extensive literature addresses the economic aspects of the relationship between access to land and the economic status of a household. Beyond the general consensus that household incomes and wealth are major factors preventing the poor from gaining access to land, there is a woeful absence of *empirical* studies that shed light on the quantitative relationship between incomes and access to land by the poor. In the absence of empirical understanding of the relationship between the economic status of a household and access to land, policies are likely to be based on guesswork and luck. The implications of this gap in the literature may be illustrated with just one example. Suppose the policy objective is to subsidize the incomes of the poor to facilitate access to land. The obvious question that arises is the amount of subsidy to provide, given resource scarcity.

The need for understanding the empirical nature of the economic relationship between income and access to land necessarily leads to another gap in the literature, the availability of relevant data for relevant policy studies. Most economic studies have relied on secondary data from surveys. This is especially true of the literature since the publication of the Ghana Living Standards Survey (GLSS). While the GLSS provides a useful baseline, it could hardly support the need for finely targeted economic studies that explain the relationship between access to land and poor households. For one, the GLSS was intended for a purpose other than for explaining access to land by the poor in Ghana. One solution in addressing the data gaps is to encourage the use of primary data for policy analysis. While such a proposal may be expensive, the policy benefits of empirical analysis based on primary data may far outweigh the cost of misguided policies and inaction.

### ***3.2 Political Literature***

As in the case of the economics literature, one finds very useful discussion on the political aspects of access to land by the poor in Ghana. Again, as in the case of the economics literature, there are no empirical analyses of the relationship. The general political science literature has matured to a level that provides hard analyses of institutional innovation and predictions about the behavior of strategic groups in society. Unfortunately, there is an identifiable gap in the literature concerning innovation in, for example, chieftaincy institutions and the impact of such innovation on the poor's access to land. At the national level, there could be difficult issues of trust in governmental initiatives as the traditional methods of acquiring land clash with the use of governmental power to acquire land for public purposes. Without information on such political interaction, it is difficult to implement such policies as land banks, cooperative ownership schemes, and land trusts.

### ***3.3 Sociocultural Literature***

The sociological and cultural literature has identified the critical interactions between the poor and access to land in Ghana. Here again, the problem is the

adequacy of the empirical assessment of the relationship between the identified factors. Questions such as the extent to which the varied land tenure institutions found in Ghana impact on the poor's access to land have not been addressed. The literature seems to take the approach that the issues facing the poor in the various regions are the same. This may not be the case, and yet there are no studies to provide guidance. The legal literature has provided significant understanding of the property rights issues related to land, but the specific issues relevant to the poor are lacking. There seems to be an emphasis on the problem of increasing litigation concerning land, but solutions and suggestions for equitable distribution of land have been visibly absent from the literature.

### **3.4 Crosscutting Literature**

A reasonable approach to addressing issues concerning poor households' access to land is necessarily multidisciplinary. Surprisingly there are not many multidisciplinary studies on the subject. The literature is discussed primarily along disciplinary lines, so one misses the synergies and potential economies in information that is made possible through multidisciplinary efforts. There is dispersed information especially on projects and programs. There is lack of studies on how governmental institutions have been organized as a team to deal with land issues. The issue of HIV/AIDS and land has also not been adequately researched. There is not much information in this emerging area, which poses a lot of developmental challenges. There are also limited studies on success stories that provide innovative initiatives for providing equal access to land that could serve as policy guidelines.

The Institute of Statistical, Social and Economic Research is being sponsored by the United States Agency for International Development to undertake a 3-year program of multidisciplinary research into Ghana's land tenure and administration systems. The purpose of the research is to provide greater clarity and fill gaps in knowledge about the nature and problems of land tenure and administration in Ghana. This research is timed to produce resources for deliberations about the directions, processes, components, and likely impacts of reforms under the LAP. It will also contribute to discussions about the place of land tenure in poverty reduction. It is anticipated that such a multidisciplinary study will help fill the gap in knowledge in this area.

## **4.0 Conclusion**

This study has taken a critical look at the issues affecting poor land users in Ghana. Poor land users have been identified to be people who are economically poor and use the land as the main resource for production. These people were identified to include women, youth, settler farmers, and all other small-scale farmers.

Systems including land tenure, land policy, land administration, land reform, and the ongoing LAP are in place to protect the interest of all landowners and users, including the poor. Meanwhile these same systems present limitations that work against the interests of the poor land user. Perhaps the LAP and the Millennium Challenge Account project, which seeks to improve rural agriculture, could offer a window of hope for the poor land user.

In addition, the literature discussed in this paper raises questions about the usefulness of existing information in designing and implementing policies to

improve poor households' access to land in Ghana. Effective policies are driven by the availability of information that allows an assessment of alternative policy choices. It is therefore important for researchers and policy leaders to undertake initiatives that seek to bridge the gaps in existing literature by organizing thinking along disciplinary lines, in addition to identifying critical crosscutting and interdisciplinary themes supportive of effective policymaking.

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