

GHANA LAND ADMINISTRATION PROJECT (LAP)

REVIEW OF STUDIES CONDUCTED ON GENDER AND LAND IN GHANA FOR LAP AND SUPPORT FOR DEVELOPING GENDER POLICY ON LAND MATTERS DRAFT FINAL REPORT

Ghana Proposed Land Administration Project Land Use Planning And Management Subcomponent

Background

The government of Ghana issued its Land Policy in June 1999. This was subsequently amended by the current National Patriotic Party administration in 2002. The revised policy document articulates GoGs strategy on land management and administration and sets out direction for facilitating equitable access to land and security of land tenure based on registered titles; promoting community participation in sustainable land management and development practices; ensuring the prompt payment of fair compensation for land acquired by the state; divesting of vested lands to their allodial owners and promoting research into all aspects of land ownership, tenure and the operations of the land market and land development processes.

This policy will be implemented through a long term (15-25 years) land administration programme. The Ghana Land Administration Project, which GoG has requested the World Bank and other donors to finance, will be the first phase that would lay the foundation for implementation of this long term land administration reform.

The project has four components, i.e (i) harmonizing and policy and regulatory framework for sustainable land administration; (ii) institutional reform and development (iii) improving land titling, registration, valuation and information systems; and (iv) project management, monitoring and evaluation.

The land use planning and management subcomponent of component three (3) of the LAP has been identified by GoG as an area in urgent need of intervention and support. Currently, urban expansion is characterized by informal or illegal developments taking place without prosecution and the lack of efficient planning functions. Problems are particularly grave in peri-urban areas, where land use planning and management is urgently required. The responsible authorities are suffering under unclear legislation, complex or contradictory responsibilities between different levels of administration and from lack of human and technical resources.

The present project is designed to support the Town and Country Planning Department and local authorities with capacity building, development of new decentralized models of land use planning and management and building the appropriate and necessary legal and technical framework. The national land policy of Ghana will be promoted through development of community based planning in close co-operation with traditional authorities and communities, and development of more transparent and efficient planning processes. The project will also involve the establishment of land information system in Ghana through provision of much needed maps of areas which will support both planning and land registration activities.

Credit Agreement And Tor For Land Use Planning Services

The implementation of the land use component of the LAP which has come rather too late is receiving financial support from the Nordic Fund.

The Nordic Fund (NDF) Team is in the country to follow up on the credit agreement it signed with the GoG for the Land Use Planning and Management Sub-component of LAP.

As a result, preliminary meetings were jointly held by the Survey Department and the TCPD on 24 and 26 May 2005 to collate comments concerning the credit agreement and the draft terms of reference for the various services under the component.

TCPD is meeting the NDF on Tuesday May 31, 2005 for discussions on the disbursement of funds for the implementation of the project.

The outcome of the meeting will be communicated to you.

The Government of Ghana launched the National Land Policy (NLP) document in 1999, with the long-term objective of stimulating economic development, reducing poverty and promoting social stability and equity by improving security of land tenure, simplifying the processes for accessing land, developing the land market and ensuring prudent land management.

A number of land sector constraints that require immediate attention were identified by the National Land Policy document, including:

- Weak land administration system.
- General indiscipline in the land market.
- Indeterminate boundaries of stool/skin lands.
- Compulsory acquisition by government of large tracts of lands which have not been utilized, and for which payment of compensation has been delayed.
- Inadequate security of land tenure due to conflicts of interest between and within land-owning groups and the state.
- Land racketeering.
- The slow disposal of land cases by the courts.

In addition to the above, other difficulties relating to land tenure and administration include the fact that certain groups like females and stranger land farmers, among others, experience serious insecurity of tenure, especially in peri-urban areas, where farm land is being converted to building plots.

To ensure social equity in the implementation of the Land Administration Project (LAP), it is important that attempts are made to study the possible social impacts of the projects to be implemented, in order to design appropriate responses to negative impacts and develop alternative options and alternatives to implementation.

The project recognizes that gender relations play an important role in understanding the structural causes of women's marginalization in terms of their access and control over land and other productive resources. In view of the structural gender disparities that exist with regard to land management, land use and tenurial arrangements, the project considers it important to place specific attention on the gender dynamics and issues raised by the activities envisaged under the LAP.

The current study is a preliminary study aimed at

- ascertaining what the issues are with respect to gender and land rights,
- what has been achieved so far as such issues are concerned and
- what should be the **way forward** for LAP in its effort to integrate gender issues into the various components of the project.

Subsequent to the launch of the National Land Policy document, the Government of Ghana instituted the Ghana Land Administration Project (LAP) as the primary vehicle for the implementation of its long-term administrative reform programme. To translate this policy into action, the Government of Ghana in collaboration with its development partners (the World Bank, CIDA NDF, DFID, KfW, GTZ and the FAO), has drawn up a long-term programme for land administration which is to be implemented over a 15-year period. The overall objective of the LAP is to develop a sustainable and well-functioning land administration system that is fair, efficient, cost effective, decentralized, and that enhances land tenure security.

The nature and scope of the land rights of the majority of women in Ghana can best be explained within the context of the customary land tenure system, inheritance systems and land use patterns. To a large extent, women's access to land is affected by tenurial arrangement, inheritance systems use and land use patterns under customary law, which operates to restrict the extent of control they can exercise over land. In most customary land tenure systems, community level decision-making about land is the exclusive preserve of chiefs or family heads, who exercise that role on behalf of the community, clan or family.

Thus whether women are located within matrilineal or partilineal cultures, it is the men in their families, who more or less preside over the allocation of resources owned by the family.

The principal ways in which women acquire land is through their lineage inheritance, marriage or by contractual arrangements. Women's land rights are often dependent on their marital status and are therefore

significantly influenced by the incidents of marriage and divorce. Marriage is a very significant source of land for women since, it is the context within which adult men and women farm on land and tend to work and live. Studies have found that particularly in the patrilineal areas of inheritance in northern Ghana and the Greater Accra and Volta Regions, many women farm on land given to them by their husbands, or work together with their husbands on the same piece of land. While some studies have stressed the limits of security generated by marriage, others found that it enhanced the security of women's rights in land.

The study, which is based primarily on field work and case studies on women in Ghana, notes that stability of marriage and good relations with male relatives are critical factors in the maintenance of the women's land rights.

Thus a married woman may gain access to land with the permission of her husband, but it is not uncommon to find that the woman loses her land and crops after a divorce or upon the death of her husband. This may apply to young widows, who fail to co-operate with their in-laws after the death of their young husbands.

The LAP project document hopes to assist traditional authorities to devise mechanisms to ensure that poorer members of the community are not rendered landless, when rural lands are converted into urban housing plots. This would require significant attempts to ensure that chiefs and other traditional authorities manage lands in such a way as to ensure that land rights of indigenes are not sacrificed in the process of conversion of rural lands into urban residential plots.

In assisting the customary land owners to establish administrative structures and procedures for management of their land, it would be important for LAP to ensure that specific concerns of gender equity in situations of land conversion, *inter alia*, are properly reflected and taken into account.

Reducing gender inequalities in the administration of land rights will require strong political will and a well-co-ordinated effort to incorporate gender considerations in all levels of decision-making in the design and implementation of the LAP.

Moreover, strenuous efforts will have to be made by the LAP, governmental and non-governmental organizations, civil society and all stake-holders to ensure in all levels of decision-making in the design and implementation of the project, to ensure support for the measures to address poverty reduction challenges related to land administration and design

mechanisms, to minimize the negative social impacts associated with the envisaged project activities.

The document ... '**Review of Studies Conducted on Gender and Land in Ghana for LAP**' is presented in three parts.

Part One of the report consists of

- a situational analysis on gender and land rights, encompassing an overview of specific gender issues which arise in land administration,
- a review of selected studies which have been undertaken on each issue,
- documenting the findings, experiences and lessons learnt
- any gaps and shortcomings which may be identified.
- Proposals and recommendations are made for further studies which could be undertaken by LAP, to ensure gender equity in the implementation of project activities, building on the lessons and experiences gained by the studies which have already been conducted.

Part Two of the report represents a comprehensive database consisting of a compilation of summaries of existing materials (textbooks, journal articles, chapters in books, reports on research studies, policy papers, etc.) on gender and land rights and related issues in Ghana.

Part Three of the report consists of

- An inventory of the profiles of selected Non-Governmental Organizations and Civil Society Organizations which have the capacity to contribute to the achievement of the objectives of LAP.
- Recommendations on the possible roles which could be played by them in the LAP process.