

WOMEN, LAND AND CORRUPTION IN GHANA

EVIDENCE FROM SELECTED CASE STUDIES



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**TRANSPARENCY
INTERNATIONAL**
the global coalition against corruption



Ghana Integrity Initiative (GII)
Local Chapter of Transparency International



Established in 1999, Ghana Integrity Initiative (GII) is a non-partisan, non-profit civil organisation focused on addressing corruption. GII is the local Chapter of Transparency International (TI), the global, non-governmental, non-profit civil society organisation leading the fight against corruption through more than 90 chapters and over 30 individual members worldwide with its International Secretariat in Berlin, Germany.

The vision of GII is

“a corruption-free society where all people and institutions act accountably, transparently and with integrity”.

The mission of GII is

“to fight corruption and promote good governance in the daily lives of people and institutions by forging strong, trusting and effective partnership with government, business and civil society and engagement with the people”.

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Every effort has been made to verify the accuracy of the information contained in this report. All information was believed to be correct as of March, 2016. Nevertheless, Ghana Integrity Initiative cannot accept responsibility for the consequences of its use for other purposes or in other contexts.

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ABBREVIATIONS

| | |
|---------|--|
| ALAC | Advocacy and Legal Advice Centre |
| CAADP | Comprehensive Africa Agriculture Development Programme |
| CICOL | Civil Society Coalition on Land |
| CLS | Customary Land Secretariat |
| CSAU | Client Service and Access Unit |
| ERP | Economic Recovery Programme |
| FAO | Food and Agriculture Organisation |
| FASDEP | Food and Agriculture Sector Development Policy |
| FPIC | Free, Prior Informed Consent |
| GADS | Gender and Agricultural Development Strategy |
| GCAP | Ghana Commercial Agriculture Project |
| GII | Ghana Integrity Initiative |
| GREL | Ghana Rubber Estates Limited |
| GSGDA | Ghana Shared Growth Development Agenda |
| GSS | Ghana Statistical Services |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| LAP | Land Administration Project |
| METASIP | Medium Term Agriculture Sector Investment Plan |
| MoFA | Ministry of Food and Agriculture |
| OASL | Office of the Administrator of Stool Lands |
| SAP | Structural Adjustment Programme |
| SIPA | School of International Public Affairs (Columbia University) |
| TI | Transparency International |
| TI-S | Transparency International Secretariat |
| ToR | Terms of Reference |
| UN-DESA | United Nation's Department of Economic and Social Affairs |
| VGGTs | Voluntary Guidelines on the Responsible Governance of Tenure |
| WIAD | Women in Agriculture Development |
| WLCA | Women, Land and Corruption in Africa |

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EXECUTIVE SUMMARY

Corruption is dangerous to the development and wellbeing of nations. It stifles resources away from the collective benefits in the interest of a few. In dominantly agrarian contexts such as the Ghanaian case, land is an indispensable asset. Land is a major source of livelihood and social identity and men and women should have equal opportunities to access, control and use this single most important asset. However, there are several entrenched socio-cultural practices which tend to disadvantage women's ownership, access, use and control over land. When these cultural issues are reinforced by corruption, the outcome is highly toxic with more women than men exposed to some of the very harsh realities. This has informed the Women, Land and Corruption in Africa Project which aims at understanding the concepts of corruption, land governance and women's rights as well as how corruption impacts land rights of women in Ghana and other African Countries, specifically Uganda and Zimbabwe. This book seeks to provide evidence of the current state of affairs regarding these issues and in the process provide evidence to guide to influence policy.

In terms of the methodological approach, the study employed Rapid Evidence Assessment within the context of qualitative and quantitative research paradigms. Through the use of household survey, interviews, focus group discussions, review of relevant materials, and observations within selected case study areas across the country, the research engaged a broad spectrum of stakeholders which among others include men, women, civil society organisations, personnel from the Lands Commission, Officer of the Administrator of Stool Lands and the Ministry of Food and Agriculture. The study was conducted in three out of the ten regions of Ghana (Northern, Ashanti and Western Regions). The specific communities were Savelugu, Tamale and Wamale (Northern Region), Kumasi and Adomfe (Ashanti Region) and Agona Nkwanta and Ahanta Mpatasie (Western Region). The choice of these areas provided an opportunity to examine issues from rural/peri-urban/urban areas as well as matrilineal and patriarchal contexts. The research was carried out through a gender sensitive lens and almost equal number of men and women were surveyed. Cultural inhibitions tend to prevent women from freely expressing themselves, especially in meetings involving men. Therefore, focus group discussions with only women were employed as a key strategy to hear the voice of women in the women, land and corruption discourse. Highlights of the key findings from the research are summarised below.

Some key findings from the Household Survey

Corruption takes many forms. This includes bribery, sexual extortion, fraud and nepotism among others. The study results from the household survey indicate that the demand and payment of bribe is the most common form of corruption. Customary leaders and public officials were cited as the most culpable. One out of three respondents had been asked to pay a bribe during the past 12 months and similar proportion of respondents had indeed paid a bribe. A similar proportion of men and women were asked to pay bribe or paid bribe, thus suggesting that corrupt duty bearers may not necessarily target their victims based on their gender. Men and women paid bribe for different reasons. Whereas women mainly paid bribe to prevent possible eviction, men did so largely to improve their sense of tenure security or speed up land transaction.

Specific Case Studies

Land documentation could be critical because in many instances people have enhanced sense of tenure security when their names are on land documents. It should have therefore been welcoming when the chief and elders took the initiative to document land rights of people in Adomfe. Yet this turned out to be a mechanism through which customary authorities strengthened their grips on land and demanded the payment of arbitrarily fixed payments. Migrants were largely targeted and those who cannot pay this levy face real danger of eviction. There is a clear case of extortion and abuse of entrusted position by the customary authorities. In the process, the land rights of migrants, especially migrant women become vulnerable and are left to face uncertain future.

In the case of Ahanta Mpatasie, the boom in rubber is resulting in increasing land demand for this purpose in and around the area. Customary land holders are capitalising on this by allocating joint owned land to non-members of the community for money, which is not necessarily used for the collective benefit. This has reduced the available stock of arable land in the area and women's access to land is increasingly becoming precarious. Rubber is more lucrative, compared to oil palm and other crops, and this has resulted in the conversion of several food crop farms for the purposes of rubber production. Women in male headed households are at greater risk since husbands tend to convert their food farm for rubber without their support or consent. Left with no land and without any meaningful source of livelihood, working as farm labourers in the plantation of the Ghana Rubber Estate Limited appears to be the only viable source of livelihood for women in the area. Yet this nature of job comes with huge physical risks and social cost such as inadequate parental control, resulting in school drop outs and teenage pregnancies.

The case in Savelugu highlights how rapid land use transition from agriculture to property development in the urban fringe can yield disproportionate implications for women. When women accessed land through the customary channel in the patriarchal context of Savelugu, they are only entitled to the use right. Inner city and peri-urban agriculture for food production has traditionally been dominated by women, mainly as a result of their gendered role as 'providers of food'. With population pressure resulting in rising peri-urban land values, custodians of such lands, who are invariably men are allocating such lands for money and in the process subject such land user who are mostly women to market driven displacements. Worryingly, affected women have weak claim to compensation since they are seen only as 'licensees' who do not even have any documentation to back their claim. In effect, women are thrown out of their source of livelihood without any obvious alternatives. Under such circumstance the dire socio-economic implications for affected women become obvious.

Large land based investments are also exerting considerable burdens on the land rights of particularly rural women. Access to agricultural inputs and services are equally gendered and women tend to lose out, including being subjected to greater risk of climate change vulnerabilities. The report examines these and several other incidences where bad land governance, corruption and quaint cultural practices intersect to undermine women land rights, their livelihoods and their general wellbeing.

Conclusion and Ways Forward

Corruption in the land sector affects both men and women. However, existing discriminatory socio-cultural practices such as limited roles in land related decision making and weaker/secondary rights, especially in patriarchal settings mean that women are exposed to the worst impacts and outcomes of corruption in land. (There is the need for action and several recommendations to drive advocacy have been offered). These, among others, include legal empowerment of women, building capacity of community based organisations working on women and land corruption issues and the introduction of the Land Administration Clinics.



CHAPTER 1

INTRODUCTION AND CONTEXT SETTING

1.0 Introduction

Land is a delicate asset with multiple attributes. As an economic asset, land is the source of employment and livelihood, especially in dominantly agrarian societies such as Ghana. At the macro level, Ghana's economy is largely driven by extractive and agriculture sectors which are both land based. Agriculture alone employs an estimated 65 percent of Ghana's active labour force, (World Bank, 2013). As a social asset, land is a source of social identity and the basis for the construction of families and ethnic groups. The centrality of land in the socio-economic discourse makes it critical in the very existence and development of societies such as Ghana. Indeed, it has been argued that land is 'life' (Wicker, 2011). Take away ones land and the implications become far reaching.

Despite its importance, the land arena is characterised with competing and contesting interests in the context of imbalanced power relations. This creates the situation where people who are driven by different motivations may be backed by different power elements in the pursuit of their land related goals and aspirations. In this regard, the subject of land represents a contested terrain for claims and counter claims by different actors. This predictably creates many losers although there are some winners, especially those who have been entrusted with responsibilities.

Demographic pressures and globalisation have joined forces to put land under increasing pressures. These pressures in turn are bringing about new challenges for land administration in Ghana and elsewhere. For example these pressures have resulted in rapid commodification of land rights which to a large extent has weakened the various safety net and social capital which ensured more equitable access to land especially for men, women and the youth under the customary set up. Furthermore, those who have been entrusted with land continue to capitalise on the current land pressures to maximise their individual benefits at the expense of the broader community (Asiama, 2004). This is effectively corruption. It is, however, worth noting that land is a vital asset of production, especially in dominantly agrarian contexts. Therefore, in order to ensure expedite and more inclusive socio-economic development, there is the need to level the playing field in order to ensure that all stakeholders, regardless of gender, age or disability are accorded equal opportunity in accessing productive land with secure tenure.

It is well recognised at the global level that women remain a vital labour force in the agriculture value chain yet their access and control over land tend to be weak, largely as a result of socio-cultural barriers (Kevane, 2004). It has also been argued that removing both

entrenched discriminatory cultural practices which inhibit women's land rights is key in promoting economic growth and shared prosperity (United Nations, 2010). Given the importance of agriculture to many African economies, limiting women's access to land or leaving them with insecure tenure effectively prevents roughly a half of the rural population from secure access to their primary production asset (Yeboah, 2014). Furthermore, land is intricately linked to housing provision, access to food and personal security (Ouedraogo, 2014). As re-echoed in the UN Charter of 1945, all these are human right issues. By extension, issues of land rights are essentially human right. As a result, any system that skews ownership, access and control of land away from women is discriminatory, undemocratic and represents a major setback to inclusive development.

When corruption compounds existing gender biased cultures and customs, the outcomes are hugely toxic. It weakens tenure security, results in forced eviction and undermines the needed investments which are required to increase productivity and reduce poverty. In effect, the combination of corruption and gender biased cultural aspects of prevailing land tenure relations create disproportionately adverse outcomes with women being the worse affected. Generally, gender neutral interventions are likely to achieve gender insensitive outcomes (King and Bugri, 2013). Indeed, where there are existing gender disparities, failure to mainstream gender could reinforce existing biases and in the process yield more untoward consequences for women. It is within this context that the Women, Land and Corruption in Africa Project (WLCA) becomes critical. The project is aimed at understanding the concepts of corruption, land governance and women's rights as well as how corruption impacts land rights of women in Sub-Saharan Africa, specifically Ghana, Uganda, and Zimbabwe. The main objective is to improve understanding of the dynamics and issues and then bring same to the top of the agenda of national, regional and international land governance discussions and projects. WLCA ultimately seeks to identify and address the various hotspots where corruption manifests in our land governance through a feminist lens so that existing gender gaps, particularly arising out of culture and corruption will be bridged. This document reports the various findings from a Baseline Study which was conducted to provide the needed evidence based on which vigorous advocacy campaign and policy engagements would be mounted.

1.2 Contextualising the Study

Land is a context-specific subject. This is because dynamics in the sphere of land ownership and administration are hugely influenced by prevailing cultural, demographic, institutional and legal framework of a particularly or area under consideration. As a result, it is instructive to highlight some of the key issues within the Ghanaian context which have implications for women, land and corruption. The ensuing sections examine the principal contextual issues.

1.2.1 Brief Overview of Population and Urbanisation

The rate of population growth and urbanisation are steadily rising across the country. Ghana's population, which is currently estimated at 27 million, has an annual growth rate of 2.1 percent (UN-DESA, 2014). Urban areas are expanding at an annual rate of 3.5 percent (as compared to the rural growth rate of 0.9 percent) (UN-DESA, 2014). An estimated 52 percent of the population in Ghana are living in urban areas, compared to the average for West Africa (45 percent) and the rest of Sub Saharan Africa (38 percent).

Urbanisation, like population growth is therefore rapid in Ghana. Ghana practices constitutional democracy and has ten (10) administrative regions. Ghana has a three-tier decentralisation structure; local, regional and national. Together with the 10 administrative regions are 216 local government units which may be of district, municipal or metropolitan status.

1.2.2 The Corruption Narrative in Ghana

Ghana continues to receive rave reviews about its governance and democratic credentials. It has been variously described as 'Africa's star of democracy'¹, 'a poster child of Africa's democracy' and 'West Africa's haven of stability'². Yet a closer look at the country's governance systems through the lens of good governance indicators such as transparency and accountability reveals some disturbing outcomes. Indeed, Ghana is witnessing an era of 'corruption boom'³, which is characterised by a complex web involving the executive, legislative, judicial and the bureaucrats. In 2014, an Afrobarometer Survey on 'Trust and corruption in public institutions: Ghanaian opinions' revealed that three-fourths (75%) of Ghanaians believe corruption increased 'somewhat' or 'a lot' during the past year⁴. Disturbingly, a considerable number of respondents - 7 of 10 Ghanaians (70%) believe government has performed 'very badly' or 'fairly badly' in fighting corruption⁵. The perceived rise in corruption, coupled with weak attempts to combat this menace pose a major threat towards achieving shared growth and prosperity. In the latest People and Corruption in Africa Survey by Transparency International, it was established that, when comparing the results of the different countries that were surveyed, people living in South Africa, Ghana and Nigeria were the most likely to say that they think corruption has risen in the past 12 months (TI, 2015, p.5). All these are indicative that corruption remains pervasive across the country.

In the latest Transparency International Corruption Perception Index, Ghana scored 47 (out of 100) and it is currently ranked at 56 out of 175 countries.⁶ Corruption in the public sector is widespread. According to the 2014 Global Corruption Barometer, the payment of bribe when dealing with public agencies is endemic and people are likely to pay bribe to the police (79%), the judiciary (57%) and the land sector agencies (52%). This means, one in every two people who access land services are likely to pay bribe. The land sector is therefore one major area where corruption thrives. In turn, one of the key issues which the ongoing Ghana Land Administration Project (LAP) is seeking to improve land governance by 'reducing corruption

1. <http://edition.cnn.com/2014/02/26/world/africa/ghana-history-overview-on-the-road/>

2. <http://www.theguardian.com/world/2013/oct/30/ghana-west-africa-haven-own-share-problems>

3. <http://elections.peacefmonline.com/pages/politics/201209/134842.php?page=2&storyid=100&>

4. afrobarometer.org/sites/default/files/media-briefing/ghana/gha_r6_presentation3_trust_corruption.pdf pp. 38

5. *Ibid*, pp. 41

6. <https://www.transparency.org/country/#GHA>

in land administration' and deepening ... 'transparency checks' across the various typologies of land ownership in the country (World Bank, 2003, p. 35).

1.2.3 Land ownership types in Ghana

The land ownership and tenure systems in Ghana reflect the established customs and norms, the colonial past and the dynamics of contemporary society. These eventually split out into three categories of land ownership classifications in the country. These are customary, state/public and vested lands.

Public lands are those lands which are collectively owned by the entire citizenry of Ghana. The concept of public lands is premised on the logic that under some circumstances, individual or communal land ownership, as well as land markets, may be inefficient in ensuring public interest. In such instances, the principle of distributive justice requires that the state expropriate the individual or community land rights, in order to secure the collective welfare (Yeboah and Shaw, 2013). According to Article 257(1) of the 1992 Constitution, 'all public lands in Ghana shall be vested in the President on behalf of and in trust for, the people of Ghana'. Article 257 (1a) tasks the Lands Commission to manage public lands. The Public and Vested Land Division of the Lands Commission is specifically assigned with the duties of managing public lands under section 23 of the Lands Commission Act, 2008 (Act 767).

Customary lands on the other hand involve land which is owned collectively by ethno-tribal entities such as a family, an ethnic group, a tribe or a kingdom. With customary lands, each member of the land owning group has an inherent right in the jointly owned resource. One common feature with customary lands is that there is a designated leader –either a chief, a family head or a clan leader who is designated as the trustee of such land. As trustees, such individuals are expected to manage the land in a way that yields rewarding outcomes to all members of the land owning group. Customary lands may be categorised as a stool/skin land or family land. Within stool or skin land, the land is owned by an entity (such as a tribe or ethnic group) with the chiefs as the trustee. In many instances, there are various hierarchies of chiefs who are all involved in managing land in order to ensure that the collective benefits are maximised. Such groups are often headed by a paramount chief who may have several divisional and other low ranked chiefs as part of people who are involved in the management of the land. At every level, the chief is expected to liaise closely with appropriate elders when making all land related decisions. Such lands are distinguished as 'stool' or 'skin' in direct reference to the object which symbolises the authority of the paramount chief. In the southern part of the country where chiefs sit on stools as a sign of authority, lands are accordingly described as 'stool lands'. In the northern part of the country where the skin of animals typifies the office of the chief, lands are known in this part of the country as 'skin lands'. In the case of family land, the land is owned by a specific family as represented by the head of family.

Between state lands and customary land is another variant of land ownership. This is known as **vested lands**. Vesting is an arrangement that allows the state to take over management of

customary lands. The community maintains ownership of the land and the Lands Commission is obliged to ensure that benefits from the land are transferred to the land owning community (Kasanga and Kotey, 2001). Thus, the ownership and management of vested lands are split between the customary landholding group and the Lands Commission. Vested lands constitute an estimated 2 per cent of all lands in Ghana.

Majority of land in Ghana (about 78 percent) falls under customary land ownership and such lands are governed based on traditional land tenure practices. This means prevailing customary rules and regulations affect considerable segment of the population, particularly those in the rural areas. Yet it is within the context of customary land ownership where various practices which create different opportunities for men and women tend to be more pronounced. This makes the traditional institutions which are the repository of customary land tenure practices important in efforts to bridge existing gender gaps in land ownership, access and control of land.

1.2.4 Situating women's land access within the multi-variables of rural/urban divide and matrilineal/patriarchal contexts

Customary land tenure practices provide the basis for regulating land access in many contexts across the country. Land tenure practices define the mode of accessing, holding and utilising land. Importantly, the prevailing land tenure practices are dynamic and respond to external and internal stimuli such as population pressures, urbanisation and globalisation (Kasanga and Kotey, 2001; Cotula, 2007). As a result, access to land under customary land holding arrangement may be negotiated by men and women through various channels. According to Runger (2006), such means of land access include lineage, inheritance, and marriage or by contractual arrangements such as shared tenancy or purchase. Each of these modes of land access has its inherent possible strengths, as well as challenges for men and women.

Increasing land demand triggers land commodification and in such contexts, access to land is negotiated through various guises of land market. In such areas, what primarily defines one's ability to access land is the ability to pay the asking price (Agyepong, 2013). Therefore, there are no obvious gendered barriers to accessing land in such areas where purchase and long term leases are the main channels for land access (Kusaana et al, 2013). Long history of biases against women in the areas of accessing formal education and employable skill coupled with their natural role as bearers of children mean, not many women may be able to accumulate enough resources to acquire land through the purchase as compared to men. This systematic deprivation of resources and economic opportunities effectively hinder women's ability to even access land through the market. This is despite the fact that land acquisition through the market *per se* does not have obvious gender barriers.

It is important to note that, even though access to land through the market provides a more equitable opportunity to both men and women, some cultures and perceptions tend to stick the odds against women. A survey by Quansah (2013) highlighted that in Cape Coast when the study was conducted, women who own property tend to be stereotyped as self-assertive

and unruly, and therefore not marriage worthy (Quansah, 2013, p. 142). In the Ghanaian society where prestige and social recognition is attached to the marriage institution, such perception, no matter how ill-founded it may be, could have considerable implications for women. Women who are likely to be influenced by such culture-induced perceptions may not acquire property at all, or may do so in the name of their male relative as a means of dealing with such biases. Therefore, despite the fact that land markets level the playing field for both men and women to access land in urban and cosmopolitan areas where access is mainly through the market, cultural perceptions and lack of the needed resources may still prevent women from freely acquiring land (Agyepong, 2013). Even with women who make the effort to acquire land, similar cultural biases may complicate the land acquisition and in the process increase the transaction cost. In order to be considered a serious prospective land purchaser and minimise the likelihood of being duped, more women than men are likely to use male intermediaries and agents when acquiring land through local land markets (Quansah, 2013).

Beyond land markets, people may access land through their lineage or inheritance. In this regard, the matrilineal and patriarchal distinctions are of critical essence. It is important to avoid the simplistic stereotyping of the northern part of the country as 'patrilineal' and the south, 'matrilineal'. For example, the Gas (in the Greater Accra Region) and the Ewes (in the Volta Region, both in the southern part of the country) are patrilineal in their inheritance. On the other hand, inheritance practices among the Lobi, Tampoese and Baga tribal groups are governed by variants of matrilineal customary law despite the fact that these are groups within the northern part of the country (Kutsoati and Morck 2012).

In matrilineal societies, children inherit from their mother's blood line. Under this arrangement, one's lineage or actual family for the purpose of inheritance include mothers and maternal, cousins, aunts, uncles, grandparents (Kutsoati and Morck, 2012). Under matrilineal inheritance, children, both men and women are equally entitled to inherit their mother's assets which among others include land (La Ferrara and Milazzo 2014). Indeed in matrilineal contexts, there are systematic arrangements which should strengthen women's involvement in decision making process. For example the institution of queen mother is central in the customary set up for decision making. Queen mothers have the traditional mandate to select a chief and should oversee the processes of installation (Mensah et al, 2014). In principle, women are regarded in decision making process and in times of deadlock in decision making, 'the old woman is consulted' for her views and direction.⁷ These are welcoming, yet it would still appear that customs and cultures tend to give men some level of advantage in terms of ownership and control of collective resources. For example, nephews inherit their maternal uncles as heads of families and not nieces (Ephirim-Donkor, 2009). This means that resources which are owned by various families tend to be concentrated in the hands of men, although in fiduciary capacity.

In patriarchal contexts, the arrangement is different. Here, children inherit from their father's bloodline and not their mother's lineage. Children inherit their father's assets. However,

7. <http://continuingindaba.org/2012/06/08/the-abrewa-old-lady-model-in-conflict-resolution-in-ghana/>

unlike matrilineal contexts, children do not have equal access and control over assets such as land. Rather, a son is expected to hold the inherited estate in trust and for the collective good of their surviving mother, brothers and sisters. This naturally creates dependent social relations where daughters derive their access from their male kinsmen such as brothers and paternal uncles (Kutsoati and Morck, 2012). It will, therefore, appear that women from matrilineal extraction have more explicit right to land and other assets as compared to those from patrilineal context. Therefore, commentary regarding the customary position of women's land access under customary set ups should be situated within appropriate context.

1.2.5 Women and Land - The Legal and Policy Arena

Article 11(2) of the 1992 Constitution duly recognises customary laws as a valid source of law for land administration and other areas of governance. This creates a dual, and in some instances a plural legal environment. Customary land tenure practices are well intended - to provide opportunities and safeguard the interest of members of the land owning communities. However, modernity, increasing land pressures, land commodification and continuous integration in the global economy are mutually reinforcing each other to weaken the customary institutions which govern land. This invariably erodes safeguards which should offer protection to both men and women in their land access and tenure security. This has called for the need to strengthen aspects of customary tenure practices with statutory laws and policies in order to bridge gender differentiated inequalities particularly with regards to land access and tenure security.

Unsurprisingly, gender has become the 'buzz' word in Ghana's contemporary development discourse. Gender concerns the changing roles and power relations between men and women as socially and culturally defined (Holmes, 2007). During the Economic Recovery Programme (ERP) and the Structural Adjustment Programme (SAP) in the 1980s there were calls for greater equality in gender relations across all levels - household, local governance and administration at the national level. These culminated in the drafting of four related laws as means of empowering women, ensuring transparency and addressing challenges which had become closely associated with inheritance. These laws were the Interstate Succession Law (PNDC Law 111, 1985), the Customary Marriage and Divorce (Registration) Law (PNDC Law 112, 1985), the Administration of Estates Law (PNDC Law 113, 1985), and the Head of Family Accountability Law (PNDC Law 114, 1985). Undoubtedly, PNDC Law 111 has emerged as the most influential and popular of these laws.

The momentum which was gathering in the mid-1980s on the need to achieve gender equality resulted in the integration of gender considerations in 1992 when Ghana transitioned from military rule to democratic governance. Therefore, one of the key directive principles of state policy which is enshrined in the Ghanaian Constitution requires that;

The State shall afford equality of economic opportunity to all citizens; and, in particular, the State shall take all necessary steps so as to ensure the full integration of women into the mainstream of the economic development of Ghana (Article 36, 6 of the Constitution)

As part of efforts to achieve this constitutional provision, Ghana has signed up to several conventions and international guidelines which seek to eliminate gender based discrimination, including accessing productive economic resources such as land. These Conventions include Gender and Development - A Declaration by Heads of State or Government of the Southern African Development Community, 1997, Women's Declaration and Agenda for a Culture of Peace in Africa Adopted at the Close of a Pan African Conference in Zanzibar, 1999 and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), The Millennium Development Goals, which focus on improving education and health for women and girls as well as the Beijing Declaration and Platform for Action among others. Ultimately, such commitments are expected to provide the needed impetus which places the issues of gender at the fore front of relevant policies and laws.

The creation of a dedicated Ministry for Women and Children Affairs in 2001 and the subsequent development of a National Gender and Children's Policy (2004) marked the beginning of a new era that prioritised the mainstreaming of gender into all aspects of national development plans and policies. Flowing from this, strategic national development policies such as the Growth and Poverty Reduction Strategy (GPRS) (2006-2009), the Coordinated Programme of Economic and Social Development Policies (2010-2016), the Ghana Shared Growth and Development Agenda (2010-2013), the Ghana Water Policy of 2007, as well as the National Irrigation Policy all highlighted strategies to identify and bridge existing gender gaps, particularly in the area of economic empowerment and access to productive resources.

The Ministry of Food and Agriculture has played important role to streamline gender over the years. There is a dedicated Women Directorate – Women in Agriculture Development (WIAD) and Gender and Agricultural Development Strategy (GADS) was launched in 2001 to provide the needed framework that will promote sustainable agricultural development by ensuring gender equity and addressing the diverse needs of rural farmers (Dittoh, et al, 2015) The document identified and addressed some key gender-related constraints in the agricultural sector, among which were inadequate extension service quality and coverage to farmers, especially women farmers, and inadequate access to financial services. As a result of the gender awareness which was raised through GADS, subsequent policy interventions such as Food & Agricultural Development Policy (FASDEP I & II) as well as Ministry's Medium-Term Agriculture Sector Investment Plan (METASIP) all have clear objectives to ensure adequate integration of gender considerations in these interventions. This is consistent with the various policy propositions as enshrined in the Comprehensive Africa Agriculture Development Programme (CAADP).

Land and agriculture are inextricably interlinked and there are ongoing interventions to reform the land sector. Ghana adopted a National Land Policy in 1999 and this document provided a comprehensive diagnosis of the various challenges in the land sector as well as the ways forward. The various recommendations which were proffered in the Land Policy are currently being implemented through the Ghana Land Administration Project (LAP). The long-term goal of the Government's land policy is to stimulate economic development, reduce poverty and promote social stability by improving security of land tenure, simplifying the process for accessing land and making it fair, transparent and efficient, developing the land market and fostering prudent land management (World Bank, 2003). LAP was originally designed as a 15 year project which was phased in three stages. However, implementation setbacks mean although the project commenced in 2003, it is currently in its second phase. The implementation of the second phase of the Land Administration Project has witnessed considerable attention in gender mainstreaming. This culminated in the development of a Gender Strategy in 2009 and the creation of Gender and Social Development Desks as part of the institutional and policy set up for land administration (Spichiger and Stacey, 2014). This is expected to provide further support in the quest to bridge existing gender gaps.

1.2.6 The Institutional Context of Land Administration in Ghana

The larger part of lands in Ghana are held and managed by customary institutions such as families, clans, stools and skins although state institutions such as the Lands Commission has a constitutional mandate to play a supervisory role. Therefore, the institutional environment for land administration in Ghana is made up of both customary and state agencies. Designated traditional players such as chiefs, family heads and *tindaana*⁸ have the entrusted responsibility to hold and administer land for their respective communities in line with prevailing customs. Reflecting the general position of custom, the Head of Family Accountability Act (1985) mandates custodians of customary land to act, engage and consult broader with elders and other joint owners of land in decision making, especially in matters involving land allocation.

These customary institutions are expected to work collaboratively with the state/formal agencies in ensuring optimal land use. The formal land sector agencies have been undergoing some reforms as part of the ongoing land administration project. The previously fragmented and poorly coordinated institutional framework for land administration, which comprised of six independent land sector agencies, have been re-engineered. Four of these six agencies have been merged to create what is now known as the new Lands Commission. The promulgation of the Lands Commission Act, 2008 (Act 767) redefined each of the previously independent agency as a division of the newly created Lands Commission. These are the Public and Vested Land Management, Survey and Mapping, Land Registration and Land Valuation Divisions of the Lands Commission. Section 25(1a) of the same Act mandates the Lands Commission to establish a Client Service and Access Unit or what has become known

8. *Tindaanas are land owners and earth priest. They are mainly found in the upper east and parts of the northern and upper west regions. Tindaanas co-exist with chiefs. Tindaanas are traditionally the holders of land and they should sanction and proposed land transfer. However, their influence over the years has waned, especially in the Northern region as a result of gradual usurpation of their authority by chiefs. See (Lund, 2008).*

as 'one stop shop' in order to streamline the process of land documentation. Currently, such Units have been established in five out of the ten regions across the country (LAP, 2015). All these institutional changes are aimed at removing duplications and overlaps which created delays and encouraged rent seeking behaviour, especially on the part of the bureaucrats.

The Land Administration Project is further seeking to strengthen land administration by customary actors through the concept of Customary Land Secretariats (CLS). These secretariats are specialised offices/departments which have been equipped with the needed technological infrastructure to enable them for support the respective landholding authorities. Through Customary Land Secretariats, LAP is seeking to provide a response to the growing need for better information as a tool to prevent multiple allocations of the same parcel of land by customary land authorities and to improve their transparency and accountability (World Bank, 2003). The CLSs should improve record keeping concerning stool, skin and family land allocations whiles providing an alternative channels for dispute resolution. When the implementation of the Land Administration Project started in 2003, there were only three existing CLSs. A total of fifty four (54) additional ones have been established, thus bringing the total to fifty seven (57). In effect, bodies such as the Lands Commission, the Office of the Administrator of Stool Lands, Town and Country Planning Department, Customary Land Secretariats and traditional land holding agencies jointly create the core institutional setup which should work collaboratively to improve land administration and bridge existing gender gaps with respect to access, ownership and use of land.



CHAPTER 2

UNPACKING THE MEANING OF CORRUPTION IN THE CONTEXT OF LAND

2.0 Introduction

As a conceptual term, corruption has proved difficult to define over the years. Various commentators have defined the term differently although such definitions largely reflect the interest and focus of such authors (Acemoglu and Verdier, 1998; Jain, 2001). Klitgaard (1998) defined corruption as a monopoly of power, combined with discretion and absence of accountability. The World Bank and Transparency International also define corruption to include any misuse or abuse of a public office for a person's own private gain (TI 2015). According to Gbenga (2007), corruption connotes a conscious attempt at deviating from the normal use of resources to satisfy a common interest and rather serving a personal interest; thus intentionally perpetuating a parochial stake rather than the general interest of the larger entity. When these views are stated differently, corruption refers to acts in which the entrusted powers of public office is used to pursue personal gains in a way and manner that contravenes the rules of the game (Jain, 2001). Empirical findings from more than 63 countries show that where corruption is less prevalent, it correlates to better development indicators, higher levels of foreign direct investment and increased crop yields (UN-Habitat 2004). Corruption is thus a major cause and a result of poverty around the world. Corruption may manifest in different forms.

According to Alatas (1990), corruption may be transactive (business; for mutual benefits of both donor and recipient), extortive (benefit by threatening harm on another), defensive (to avoid an impending harm), investive (an act to incur a future benefit) and nepotistic (favouritism of family or friends). Others (such as UN-Habitat, 2004 & Van Der Molen and Tuladhar, 2007) classify corruption into bribery, fraud, favouritism and clientelism. Bribery and fraud are closely linked. However, while bribery involves abuse of discretion in favour of a third party in exchange of benefits given by the third party, fraud arises when there is abuse of discretion for private gain without third parties involvement (UN-Habitat, 2004).

In terms of scale, corruption may be big or grand, often involving multiple actors. Yet corruption in any form or scale is dangerous to the socio-economic development of communities at all levels. This is because corruption ripples through several other areas. It interferes with sound judgements and choices of the public, thus distorting the quality delivery of expected services and subsequently resulting in failure of governance, policies and programmes which would otherwise have been useful to development (Shah and Schater, 2004; Pabia, 2013).

Bad governance system creates the needed space for corruption to fester. There is bad governance when the laws, which should define the 'rules of the game' are non-existent, fuzzy or not enforced and this provides the needed environment that fuels corruption (North, 1990). For example – lack of transparent governance system in place easily paves way for the political elites and the bureaucrats to easily enrich themselves through illegal means (Enemark, 2010). This is likely to be followed by a deliberate attempt to systematically weaken any mechanisms for checks and balances (Jain, 2001). This may be done through appointments of cronies or failure to provide adequate resources to such institutions. The after-effect is obvious - the institutions tasked to prevent corruption become weaker and less effective in delivering their mandate, a situation which makes it even much easier for grand corruption to be effected. Corruption then results in the weakening of existing governance systems, thus generating the situation where corruption and bad governance mutually reinforce themselves in a cyclical manner. There is therefore a direct and profound linkage between the existing quality of governance and the level of corruption and this is true in the context of land governance.

2.1 Corruption and Land- defining the Conceptual Linkages

Corruption in every sector of the economy yields undesired outcomes. Corruption in the land sector has however been described as overly dangerous as a result of the deep seated and far reaching implications (Ubink, 2004). Corruption in land may take many forms such as bribery, sexual and monetary extortion, nepotism, abuse of process and fraud among others. In dominantly agrarian communities such as Ghana, land remains the most fundamental asset of production, the main source of livelihood and a sense of social identity (King and Bugri, 2013; Cotula, 2007). Yet the land sector is dotted with imbalance power relations, vested interest and competing claims. Palmer et al (2009) define land governance as being concerned with the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in land are managed (Palmer et al 2009, p.9). Good land governance principles are aimed at creating a pro-poor and gender sensitive environment where land equitably benefits the broader community. Key principles include transparency, public consultation, inclusivity, accountability and the adherence to the rule of law and due process among others (Palmer et al 2009; Enemark et al 2010). Corruption thrives where the systems and structures are weak and do not demand compliance with good land governance parameters.

It is important to link corruption to good land governance because the socio-cultural context of Ghana could, at times, make it difficult to objectively define what corruption is. This is because an estimated 80 percent of land in the country is directly governed by customary tenure practices which are rooted in culture. When dealing with traditional authorities in general, it is customary to present some gifts- bottles of drinks, cola, fowl or even money whenever one visits the chief. This is an acceptable cultural practice. However, the intention and the quantum of such token gift can become an object of inducement. For example, if all

that is needed from two people who are in litigation over land is a bottle of drink from each party before a traditional authority adjudicates a land related dispute, presenting more bottles of drink and cash could be a subtle way of seeking to procure some favour. In this case, what is an acceptable cultural practice could provide a legitimate channel for corruption.

Similarly, the payment of 'drink money' or 'cola money' for land acquired is a cultural norm. Historically, people offered drinks or cola as a sign of gratitude for being granted land by a chief and the drink was expected to be used for libation to invoke blessings for the community (Lund, 2008). Therefore, in essence, the drink money is meant for the collective benefit. Admittedly, Article 267, 6a of the Ghanaian Constitution makes provision for traditional authorities to use part of stool/skin revenue to provide basic items which are required to maintain the status of the traditional authority. This means, demanding and receiving drink/cola money and actually using some of the money to 'maintain status' are acceptable. However, when one uses the larger share or all of the drink/kola money for personal purposes as opposed to the collective good, then essentially, there is abuse of an entrusted position for private gain and this is corruption.

What is however not in doubt is the fact that, when chiefs engage in multiple sales of land such as the case below, then corruption becomes easy to identify.

Otumfuor Destools Chief over multiple land sales⁹

In a landmark case at the Manhyia Palace in Kumasi on Monday, the Chief of Atwima, near Kumasi, Nana Kofi Agyei Bi III, was accused by 12 people, including the popular actor Adu Kofi, alias Agya Koo, of indulging in multiple land sales. The submissions of the plaintiffs were upheld after the deliberations, subsequent to which the Asantehene, Otumfuo Osei Tutu II, announced the destoolment of Nana Agyei Bi.

At the formal level, compulsory acquisition is a permissible intervention under the Constitution of Ghana, provided it is meant to further public interest. Lands which are compulsorily acquired become state land. When state lands are eventually split among the political elite for free or at a give-away price, then this is obviously corruption.¹⁰ Corruption in land can therefore take various dimensions along the customary and formal continuum of land administration. It is within this context that the ToR required this report to provide more objective parameters to help define and identify corruption in land administration.

2.2 Developing parameters to Define Corruption in Land

Land is a bundle of rights (Barlowe, 1985). These rights provide the legitimate basis for one to hold, use and enjoy land. Honoroe (1961) and Abdulai (2006) have separately identified various rights which arise when one holds land. The table below summarises these rights.

9. Daily Graphic, 2009 Otumfuor Destools Nana Agyei Bi III
[http://www.graphicghana.com/news/page.php?news=5114\[04/09/2015\]](http://www.graphicghana.com/news/page.php?news=5114[04/09/2015])

10. <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/CJA-criticises-Lands-Commission-in-controversial-Accra-land-sales-197741>

Table 1: The Bundle of Rights in Land

| Type of Right | Description |
|--|---|
| The right to use | That is, to personal enjoyment and use of the things without interference as distinct from the third and fourth strands below |
| The right to manage | That is, the liberty to decide how and by whom a thing shall be used |
| The right to income | That is, to the benefit derived from foregoing personal use of a thing and allowing others to use it |
| The right to capital | That is, the power to alienate or transfer the thing and to consume, waste, modify, destroy it |
| The right to security | That is, immunity from expropriation |
| The right to transmissibility | That is, the power to devise or bequeath |
| The right to divisibility | That is, the power to divide the property in whatever way desired |
| The prohibition of harmful use | That is, one's duty to forbear from using the thing in certain ways harmful to others |
| Right to term | That is, the length of one's ownership right |
| The liability to execution | That is, liability to having the thing taken away for repayment of a debt or the duty to surrender the property when it is taken away to satisfy a lawful action |
| Residual character | That is, the existence of rules governing the reversion of lapsed ownership rights |
| The right to possess (exclusive control) | That is, exclusive physical control of the thing owned. Where the thing cannot be possessed physically, due, for example, to its 'non-corporeal' nature, 'possession' may be understood metaphorically or simply as the right to exclude others from the use or other benefits of the thing |

Source: Compiled based on Honore (1961) and Abdulai (2006)

It is the coming together of all these different rights which constitute ownership (Barlowe, 1985). Deininger (2003) and Cotula (2007) have also noted that when one holds land, there is the inherent expectation that the holder will have the capacity to make decisions regarding the bundle of right that he or she has in the land. Also, such land users must have the assurance that they are protected against eviction and wrongful dispossession. These are critical in providing the needed guarantee that land user will not be deprived of gains and benefits which may arise from the land. Therefore, in summary, the various strands of rights could be categorised as seeking to achieve three broad thematic issues as follows:

- Ensuring Security of tenure;
- Right to make decision or be part of decision making process regarding the land one is holding;
- Guaranteed access to gains and benefits from the land.

These three issues are in effect cardinal principal expectations one expects to enjoy when one owns or occupies land. Each of these parameters is examined closely.

2.2.1 Security of tenure (likelihood of curtailment of land rights)

Two of the strands of land right as indicated from the table above are the right to exclusive possession and the right to secure tenure. Secure land rights involve one's perception of guarantee against and safety from losing one's property rights arbitrary. FAO notes that 'security of tenure is the certainty that a person's rights to resources will be recognized by others and protected when these rights are challenged' (FAO, 2012). Stated differently, people with insecure tenure face competing claims and may even lose their land as a result (Ariah et al., 2011). Secure land right has been identified as having direct and profound implication for poverty reduction. Property with secure property rights can be leveraged as collateral to secure credit from financial institutions. Such credit can be invested in order to stimulate improved livelihood (Payne 2004).

When people have the right to occupy and use land over a defined period, an unauthorised action by any person or entity that curtails this right is corrupt. This is because whoever undermines one's tenure security without just grounds would eventually benefit either directly or indirectly from their action. In this case, one would have used his/her privileged standing to derive some undue benefit at the expense of another. In the same way, people who may have a sense of tenure insecurity may resort to bribery and other aspects of corruption to improve their land right (Jain, 2001). In this case, tenure insecurity may be seen as both a cause and outcome of corruption in land administration.

2.2.2 Voice in the Decision Making Process

Land is an important resource which requires careful management decisions in order to ensure its highest and best use within the context of environment, social and economic sustainability. Therefore, one's right to make related decisions or be part of the decision making process is critical. This is indeed a cardinal requirement of good land governance. Good land governance, among others, makes it crucial that those who are likely to be influenced by a decision should be accorded the opportunity to be part of the decision making process. Not only should such stakeholders be part in the decision making process, rather, there must be the opportunity for parties to freely express their position and their views duly recognised in the decision making process, regardless of how marginalised such voices may be. When people own, occupy or control land, they should have the right to make land management related decisions such as what acceptable use the land should be put to.

FAO (2012) has reinforced the need for people to have a voice with regards to land for which they have a stake through the Voluntary Guidelines. In what has now become popularly known as 'Free, Prior Informed Consent' (FPIC), FAO notes that the land sector is riddled with power imbalance and competing interests and claims. This means, in the process of land decision making, stakeholders may not even have a voice. However, good land governance requires that careful attention is paid in order to capture all shades of rights and interest in order to ensure inclusive outcomes. The Voluntary Guidelines further re-echoes this need:

engaging with and seeking the support of those who, having legitimate tenure rights, could be affected by decisions, prior to decisions being taken, and responding to their contributions; taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes (p. 5).

It is bad land governance when people do not have opportunity to be part of land related decisions in a meaningful manner. It creates opacity and breeds few decision makers as opposed to involving relevant stakeholders. Under such condition, the few decision makers can have unhindered opportunity to pursue their individual interests as a result of weak checks and balances. Corruption thrives better under such opaque circumstances and perpetrators of corruption may further block possible opportunities for inclusive decision making, unless there is conscious effort to demand transparency.

2.2.3 Equitable Benefit Sharing

Land is the primary asset of production and the source of livelihood for a broad segment of the population in Ghana, particularly for those in the rural areas where agriculture is the main economic activity. When one invests in land, they do so with the expectation that they will be entitled to reap any benefit which may arise from such investments. It is this expectation that drives land users to apply other factors of production as investment in land. Any situation that creates uncertainty about one's ability to derive the anticipated benefit from their investment in land undermines the rights to income and capital which are important aspects of the bundle of rights as outlined earlier. Furthermore, when land is owned collectively, each member of the land owning group has a stake in the land and benefits arising from the land should inure to the interest of all (Kasanga and Kotey, 2001; Lund, 2008). When such gains are skewed in the interest of a few, it essentially defeats the sense of collective entitlement.

The trilogy of tenure security, voice in land related decision making and the ability to realise one's entitlement or benefits from land are distinct but related parameters which help to define one's occupation and interest in land. Good land governance principles should provide the opportunity to realise all these three key issues. However, corruption whittles away these good land governance safeguards, thus paving way for lack of consultations, elite capture and tenure insecurity. But what are the implications of corruption on these parameters and how do these translate to impact on men and women? These are essentially empirical questions which are addressed based on evidence from a recent baseline survey across selected communities in three of the 10 administrative regions of Ghana. The next section examines the research methodology before analysing evidence and discussing results from the field research.

CHAPTER 3

RESEARCH METHODOLOGY, ANALYSIS AND DISCUSSION OF HOUSEHOLD SURVEY

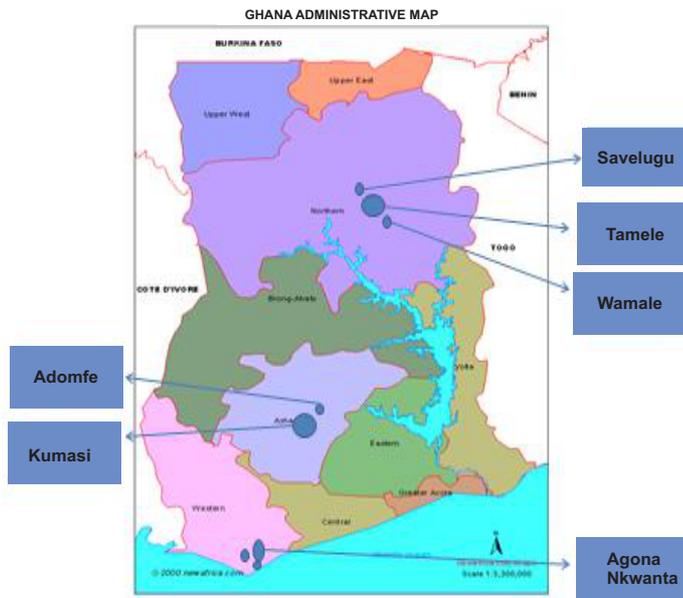
3.0 Introduction

Since land and corruption are largely empirical issues, it is instructive to examine critical questions from real life contexts. This section discusses the research methodology which was employed in collecting relevant information from the field. It looks at the processes and the limitations before moving to analyse and discuss evidence from the household survey, which is an important source of evidence for this study.

3.1 Approaches for Data Collection

According to Yin (2003) case study research is important where there is the need to examine real life issues within a giving social construct or context. The study employed the case studies within the qualitative and quantitative research methodological paradigms. Evidence was gathered across selected case study areas in three out of the ten regions of Ghana. The regions were Northern, Ashanti and Western. In the Northern region, stakeholders were engaged in Tamale, Savelugu and Wamale. In the Ashanti Region, Adomfe in the Asante Akim South District provided an ideal backdrop to explore the various issues. Additional respondents were drawn from various institutions in Kumasi. In the Western Region, the survey engaged men, women and other key actors from Ahanta Mpatase although some additional key informants were drawn from communities such as Himakrom, Busua and Agona Nkwanta which are all communities within the Ahanta West District.

Map 1: Map of Ghana indicating location of Case Study Areas



The choice of these areas was influenced by a range of considerations. First, there was the need to examine the issues of the study from the two broad modes of inheritance which are matrilineal and patrilineal systems. This is because the position of women in terms of accessing and controlling land varies across the two spectra, at least in principle. Secondly, there was the need to map out the issues from different spatial contexts such as urban, peri-urban and rural communities. Land pressures tend to vary along the urban-rural gradient. But what are the implications of land pressures for corruption and women land right vulnerabilities? Flowing from this, the choice of case study areas largely aimed at providing contexts which make it possible to examine issues from both the urban/rural areas as well as the matrilineal and patrilineal divide.

The northern region is dominantly a patriarchal context and inheritance is through the male lineage. Tamale is a well urbanised area and recent pressures on land have rapidly converted the hitherto rural area of Savelugu into a peri-urban interface. Similarly, Wamale is increasingly becoming exposed to land pressures and this is intensifying competition for access and control of land. Kumasi and Adomfe, on the other hand, are located in the southern part of the country where the matrilineal mode of inheritance is prevalent. Kumasi is an urban context whereas Adomfe remains largely rural with farming serving as the dominant economic activity. Ahanta West District in the Western Region is a major centre for the cultivation of rubber in the country and this has come with its own pressures on land. But how are women from matrilineal extraction coping under these pressures across Agona Nkwanta and other communities across the Ahanta West District? In effect, the choice of case study areas provided the needed backdrop to explore the linkage between Women, Land and Corruption from different contexts in order to provide a more rounded overview of the state of affairs across various parts of the country in order to provide the needed basis for effective advocacy.

The strategy for gathering field level evidence was grounded in the principles of Rapid Evidence Assessment. As an evidenced based research tool, Rapid Evidence Assessment (REA) facilitates the collection of research evidence on a policy issue, as comprehensively as possible, within the constraints of a given timetable (Thomas et al 2013). This was critical considering the fact that the entire field research across the three (3) regions was to be conducted over eight (8) labour days. A multi-strategy approach for data collection and this employed focus group discussions, interviews with key informants, household survey, review of relevant documents and observation as strategies for eliciting information. A broad range of stakeholders such as personnel from the Lands Commission, Civil Society Organisation, Chiefs and Traditional leaders, Gender Experts, Secretaries of Customary Land Secretariats, Ministry of Food and Agriculture and Office of the Administrator of Stool Lands among others were engaged. In all, 44 interviews, 4 focus group discussions, which comprised of only women (details of interviewees and focus group discussants are attached to this report) and 222 household questionnaires were administered.

Questionnaire for the household survey was a structured one which was prepared by the Transparency International Secretariat (TI-S) to be used across other countries which are currently implementing the WLCA Project and these were administered by enumerators. Enumerators had been part of similar research activities in the time past and thus had useful experiences. They were taken through a short orientation, where each of the questions was discussed. Enumerators were helped to appreciate the sensitive nature of some of the questions such as 'were you asked to pay bribe' or have you paid bribe' in the past 12 months? Suggested filter questions were then discussed and these were to serve as 'ice breaker' for such questions.

Respondents were selected using the convenience or accidental sampling technique. Convenience sampling is a non-probability sampling technique where subjects are selected because of their convenient accessibility and proximity to the researcher. Concerns have been raised that samples which are generated using such an approach may not be representative of the bigger population as a result of systematic biases (Creswell, 2003). However, such sampling technique provides a less expensive and fast way of drawing insights from a population (Farrokhi & Mahmoudi-Hamidabad, 2012).

Although convenient sampling was employed, it was important that those answering the questions had relevant experience with dealing in land. Therefore, some pre-screening questions were asked. For example, questions such as – do you have a farm? Have you acquired land for building or farming in this area before? How familiar are you with the processes through which land is accessed in this area were asked. Those whose responses indicated that they have had adequate experience with the local land tenure dynamics were then engaged using the questionnaire which has been appended to this report. Respondents who were engaged through the household survey were men, women, migrant farmers, pastoralists, fishermen and the youth who are active land users in the respective areas.

The table below shows the breakdown of people who were engaged through the household questionnaires.

Table 2: Gender Break down of Respondents

| Area | Men | Women |
|-----------------------|-----|-------|
| Northern Region | | |
| Wamale | 15 | 15 |
| Savelugu | 22 | 20 |
| Ashanti Region | | |
| Adomfe | 25 | 25 |
| Ayigya/Bomso (Kumasi) | 25 | 25 |
| Western Region | | |
| Agona Nkwanta/Aseke | 25 | 25 |
| | 112 | 110 |
| Total | 222 | |

Source: Field Survey, 2015

Responses from the questionnaire were first entered into a microsoft template which was developed by TI-S. The dataset in Excel was then imported into SPSS. The dataset was then cleaned before subsequently analysing using descriptive statistics. Qualitative responses from the focus group discussions, interviews and observations were written down as field notes which were subsequently examined using content analysis technique.

3.2 Limitations of the Study

The design and conduct of this research had to grapple with some limitations. Based on the contract, the Conduct data collection including interviews and literature review as well as compilation of draft baseline survey report and policy were to be completed within a period of thirteen (13) labour days. Out of this, eight (8) days were to be dedicated to the field research with the remaining five (5) expected to be used for other research activities. When this is viewed in the context that the research should capture a broad spectrum of current issues in land administration across the various typologies of land holding arrangements across the country, then it becomes obvious that timing for such a research was hugely inadequate. Furthermore, the budget for this study made provision for only two research assistants. These research assistants were primarily responsible for administering household questionnaires. On the average, each research assistant administered ten (10) questionnaires daily. This means, a total of 160 questionnaires would have been administered over the 8 day period by the two research assistants. Arrangements were, however, made to ensure that additional sixty two (62) household questionnaires were administered thus bringing the total to 222.

Another methodological challenge this study encountered was the standardised questionnaire which was provided by GII and TI-S for the household survey. The WLCA Project is a multi-country intervention. Therefore, it was largely justified why TI-S, for example, wanted a common template in order to facilitate cross-country analysis as such the set of questions could not be altered. However, designing a single questionnaire to be used across multiple countries with divergent cultural and administrative contexts comes with its own challenges. As indicated earlier, sensitive questions (such as have you paid bribe, etc) were in the opinion of the researcher asked in a blunt way which in some case can encourage evasion by respondents. In response, enumerators were provided with some training in order to effectively deal with these challenges.

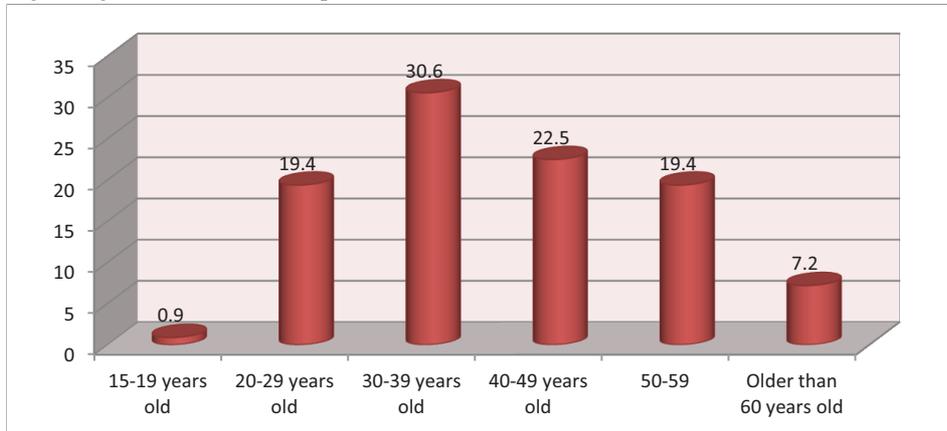
Another challenge this study had to contend with was the issue of interpretation in the northern part of the country. Although the interpreters who were relied on were of high quality, some precision is inevitably lost through interpretation. To mitigate this, efforts were made to cross check key issues from multiple-source for confirmation and validation. Despite these limitations, the study examined and unravelled the complex relations of corruption and land and the implications for women and these are looked at in the ensuing sections.

3.3 Analysis and Discussion of Household Survey Responses

Social Economic Characteristics of Respondents

This section examines responses from the household survey in order to develop a broader overview of land access dynamics, the prevalence of corruption and the extent to which corruption in land access, use, transfer and documentation are gendered. As has already been indicated, the household survey engaged men (112) and women (110) which effectively ensured fair and equitable representation of both men and women in the survey. The age distribution of respondents of the survey is summarised in the chart below.

Fig 1: Age Distribution of Respondents

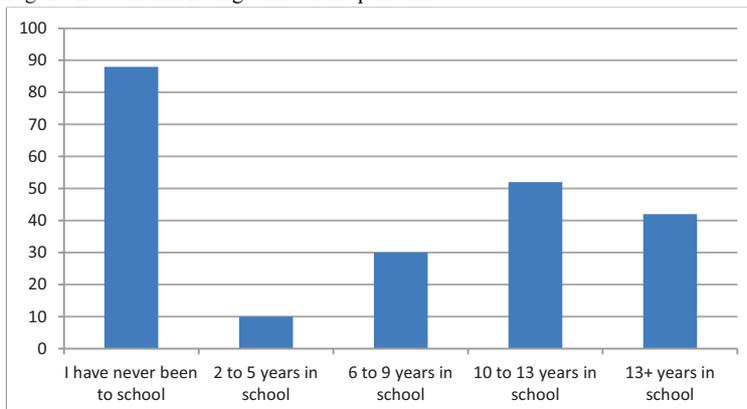


Source: Field Survey, 2015

The survey in effect captured the views across the various age categories. This is critical in helping to export the extent to which land related corruption manifests across different age brackets.

In terms of the educational background, majority of the 222 respondents (88 or 39.6 percent) had not been to school whereas considerable proportion (42 or 19 percent) have attended school for at least 13 years. The breakdown of the education background of the respondents is presented in the chart below.

Fig. 2: Educational Background of Respondents

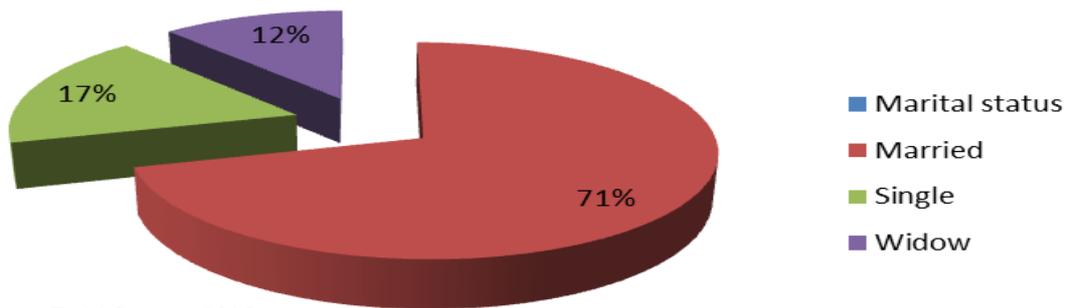


Source: Field Survey, 2015

With regards to occupation, respondents indicated various trade (such as driving, carpentry, etc) and profession (nursing, teaching, etc) as the source of livelihood. However, 40 percent of the 222 respondents are into farming only and at least additional 12 percent of respondents combine farming with another trade. This means, more than half of the total respondents of the study directly derive their livelihood and economic survival from land. It was, therefore, not surprising that about 90 percent of respondents find land to be 'very important' or 'important'.

In terms of marital status, many of the respondents (about 71 %) indicated that they are married. Other relevant details are summarised in the chart below.

Fig 3: Marital Status



Source: Field Survey, 2015

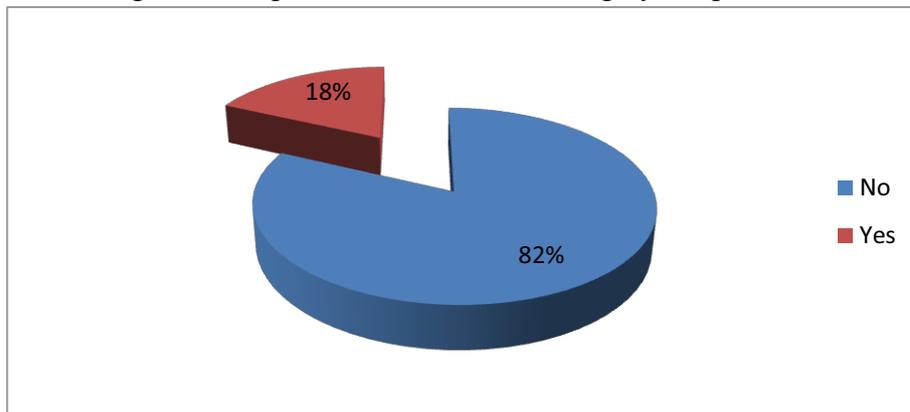
Land is a multi-faceted asset which has different relevance to different people. Many respondents (103 out of 222 or 46.4 percent) indicated that land is important because it is an avenue of investment. As an avenue of investment, land provides the channel for people to combine labour, capital and entrepreneurship in order to derive some anticipated future returns. In this regard, land may be used for the purpose of farming (either for food, cash crops or animal rearing) or for rental purposes. Land is also a critical component of housing delivery and 34.7 percent of respondents ranked land as important or very important as a result of this attribute. Non-economic considerations such as social status/ influence (9 percent) further underline land as a critical asset.

The socio-cultural context of the Ghanaian society means, land is held by chiefs and other community leaders such as family heads and tindaanas and this arrangement was largely reflected in the survey. A significant proportion of respondents (32.4 percent) indicated that they owned the land they are currently occupying. Outright ownership or the freehold interest, however, does not vest in an individual under customary land holding arrangement and this is further given constitutional backing (see Article 267:5). Therefore, even with respondents who indicated that they own the land, it is to be expected that the ultimate interest in the land will rest in a corporate entity such as a stool, a skin or a family. Chiefs and other customary/community leaders were identified by about 1 in 4 respondents as the dominated land holders who effectively control land access and are central in land related decision making process. Other bodies such as family/relatives, private investors and cooperatives are other entities which hold and control land.

Involvement in Decision Making Process

Land is a source of wealth and power. Therefore, ownership or control of land is a source of power. This power element of land ownership and control of land is important especially in land related decision making processes. One cardinal principle of good land governance requires that there is meaningful public consultation when making decisions involving land (Palmer et al, 2009). However, the extent to which a space is opened to facilitate public involvement in decision making is to a large extent dependent on the opportunities which are created by those who hold and control the land, which in many instances are the chiefs or other customary authorities. But to which extent are the citizenry engaged in making decisions which affect land ownership, use, control, alienation and security of tenure? Evidence from the field, as illustrated by the pie chart below, highlights that there is very limited involvement of the broader public in making land decisions.

Fig 4: Participation in Decision Making by Respondents

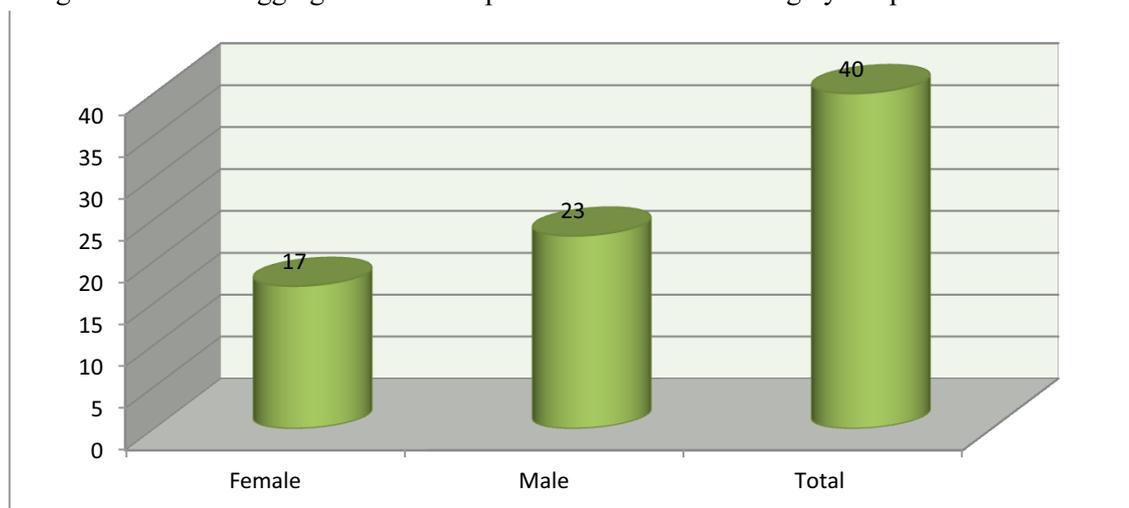


Source: Field Survey, 2015

Out of the 222 respondents, only 40 (18 percent) indicated that they have been involved in making decision over the past 12 months. The minimal involvement of the people in making land decision poses different challenges to good land governance. This is because, it undermines transparency and encourages rent seeking behaviours on the part of duty bearers and land holders. When a few powerful people and elites are involved in making decisions, there is the huge likelihood that benefits from land will not be used for the benefit of the collective stakeholders.

Even with the limited number of people who are involved in making land related decision, women were underrepresented as compared to men.

Fig 5: Gender Disaggregation - Participation in Decision Making by Respondents



Source: Field Survey, 2015

Out of the 40 respondents, only 17 (or 42.5 percent) were women. Majority, (23 or 57.5 percent) were male. This is largely in line with the well-known situation in the Ghanaian context that women are often left behind on matters relating to land decision making. In effect, there is limited opportunity for people to be meaningfully involved in land decisions and women are worse affected (Whitehead and Tsikata, 2003).

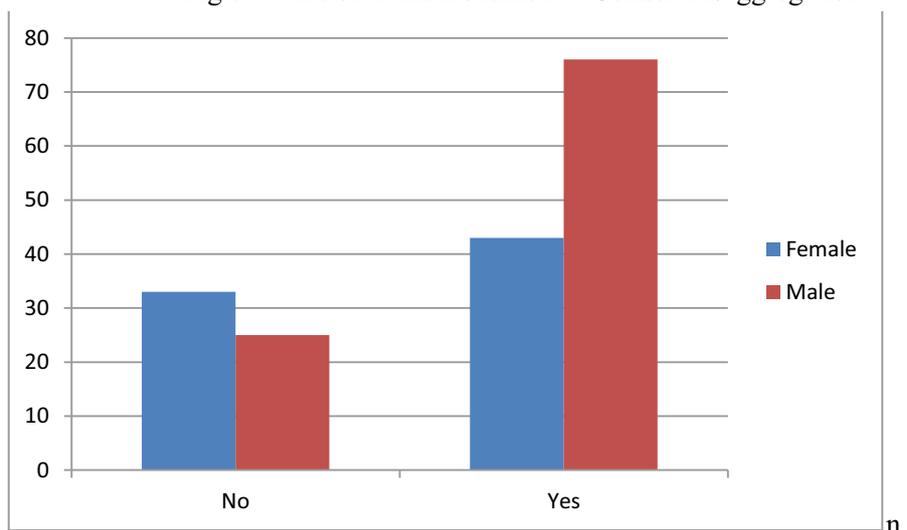
Documentation of Land Rights

Land tenure security has long been identified as a critical level in the quest to reduce poverty and expedite economic development. This is because clear and secure tenure can improve access to credit and also improve land related investment. For one's tenure to be secure, ingredients such as social recognition by the local community is important. Similarly, having some of documentary proof of one's right could also be critical, especially in times of contestation (Abdulai, 2006). But to what extent do people rate having their names on land related documents? Out of the 222 respondents, 168 (representing 76 percent) noted that it was 'important' or 'very important' to have their names on documents related to the land for which they have a stake in. However, only 119 (54 percent) of respondents have their name on some documents relating to land. This means about 30 percent of those who regard documentation as important do not have their names on land documents.

Traditionally, documents which serve as proof of land ownership are mainly indenture, title certificate or a deed (World Bank, 2003). Beyond these, there are other forms of documentary evidence in the form of receipts of land related payments such as property rates, farm rent, ground rent and allocation notes were all considered to be relevant documents which could be helpful in ascertaining ownership of land. Where a group of people such as a cooperative organisation acquires land and document their transaction, then each member of the group is seen as having his or her name on document as a means of proving one's interest in the land.

All these considerations help to explain why a relatively high proportion of respondents engaged (119 out of 222 or 54 percent) indicated that they have their names on land related document. However, further examination of those who have some form of documentation in their name with regards to their land indicated that there are significant disparities between the proportion of men and women.

Fig 6: Name on Land Document – Gender Disaggregation



Source; Field Research, 2015

It is not surprising that more men than women have their names on land related documents considering that the sphere of land ownership tend to be male dominated within the Ghanaian cultural setting (Runger, 2006).

Out of the 65 respondents who indicated that their land could be taken away from them, 62 percent noted that traditional authorities and community leaders are the agents who are most likely to deprive them of their land. Chiefs are also seen as one of the main sources of information on land. If access to credible information is a tool to greater transparency and check on corruption, then it is difficult to see how chiefs under such situation will be prepared to share the needed information. Private investors (10 percent) and relatives (8 percent) were other possible sources of threat to people's security of tenure. If indeed traditional leaders are both a source of information as well as tenure insecurity, then this represents a contrasting role. Under such situation, it can be anticipated that the needed information may not freely flow in order to equip the community members to effectively demand transparency and accountability from the entrusted duty bearers.

Demand and Payment of Bribe

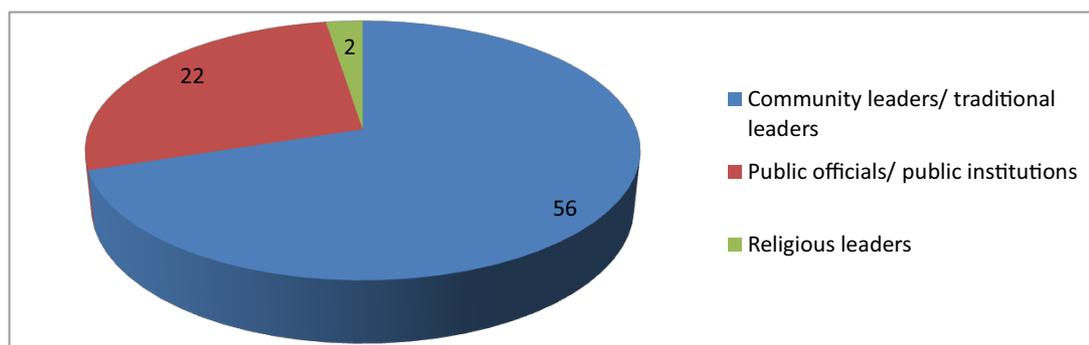
Are people being asked to pay bribes when dealing in land? This is a complex question which requires critical attention. To recap, corruption as a conceptual term largely involves the abuse of an entrusted position for private gain (UN-Habitat, 2004). However, it becomes a complex phenomenon when existing acceptable cultural and social norms open up a legitimate space which could cause corruption to fester.

The Criminal Offences Act, 1960 (Act 29) criminalises active and passive bribery, extortion, exploitation of a public office and the use of public office for private gain, irrespective of the nationality of the bribe payer/taker. Direct and indirect acts of corruption are illegal.¹¹ In effect, all parties (including the giver, the recipient and facilitators) who are involved in corruption are culpable under the laws. As a result, even people who have had to pay bribe may be extremely reluctant to admit. Therefore, to carry out any survey on the extent to which people are paying bribe, tact and caution are both required. As a result of these considerations, enumerators were carefully trained in order to effectively negotiate this challenge. For example, instead of asking 'have you paid bribe', the question was re-phrased as 'have you made any payment whether cash which in your opinion was unauthorised or unjustifiable?'. Once the respondents affirms that such a payment have been made, the enumerator then probes further in order to ascertain the exact nature of payment involved before concluding that a bribe has been paid. Such probing helped to uncover the following;

- i. Some payments were made to officials who are responsible for collecting farm rent in order to reduce the liability of rent payable;
- ii. Similarly, others have made such payment to assessors or collectors of property rate;
- iii. Other respondents have made various unofficial payments at various offices at the Lands Commission when attempting to assess official services;
- iv. Some form of facilitation fee paid to Town and Country Planning Department in attempt to obtain planning permission;
- v. Payment of cash or kind (other than the 'drink' or 'kola' money) to chiefs and other traditional leaders in an attempt to acquire land;
- vi. Chiefs offering plots of land to facilitate the planning and provision of utility services to their community.

Out of the 222 respondents, 81 (representing 36 percent) indicated that during the past 12 months, they were asked to pay bribe (or some unapproved/unauthorised) with respect to land. This means, 1 in 3 persons were asked to pay bribe. Various institutions were cited to have demanded bribe, chiefs and traditional authorities being the most dominant.

Fig 7: Institutions/People Demanding Bribe



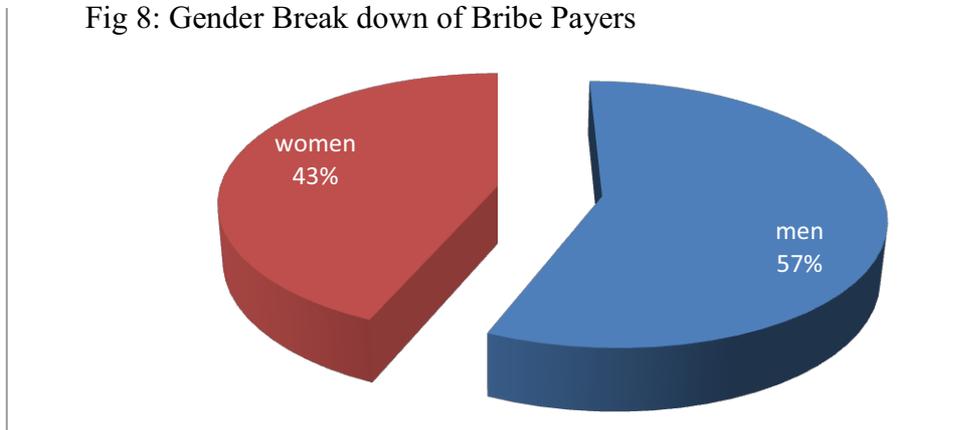
Source: Field Survey, 2015

11. <http://www.globallegalinsights.com/practice-areas/bribery-and-corruption/bribery-and-corruption/ghana>

But are men and women exposed to the same likelihood of been asked to pay bribe? A disaggregated analysis of responses from the household survey highlights that both men and women were asked to pay bribe. Out of the 81 respondents who were asked to pay bribe, majority of them (53 percent) were men with the remaining 47 percent being women. In effect, both men and women are predisposed to being asked to pay bribe with regards to land for which they have a stake. This gives an indication that those seeking to demand bribes do not necessarily target gender of their potential victims.

Do people pay bribe when they are asked to? Evidence from the field survey indicates that to a large extent people who are asked to pay bribe indeed end up doing so. Out of the 222 respondents, a total of 83 (or 37 percent) admitted to having paid bribe in over the past one year. This also means almost 1 in 3 persons made an unofficial/unauthorised payment in the form of bribe. In terms of the gender disaggregation, 47 out of the 83 people who paid bribe were men whereas, the remaining 36 were women as illustrated below:

Fig 8: Gender Break down of Bribe Payers

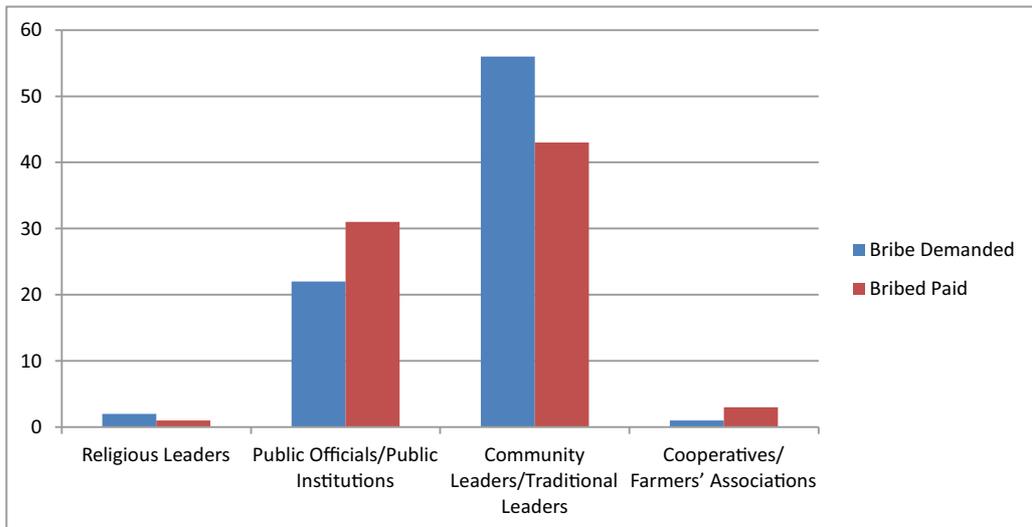


Source: Field Survey, 2015

This means both men and women are asked to pay bribe and they indeed pay bribe with respect to land. It will, therefore, appear that those who demand bribe and receive bribe therefore do not target people as a result of the gender orientation.

Do respondents always paid bribe when people demand? To address this it is important to compare which institutions are demanding bribe and which ones are indeed accepting it. The chart provides a quick comparison of these two issues.

Fig 9: Comparison of institutions demanding and receiving bribes



Source: Field Survey, 2015

From the chart, the two main bodies which are involved in 'demanding' and 'receiving bribes' are the public institutions/public officials and community leaders/traditional leaders.

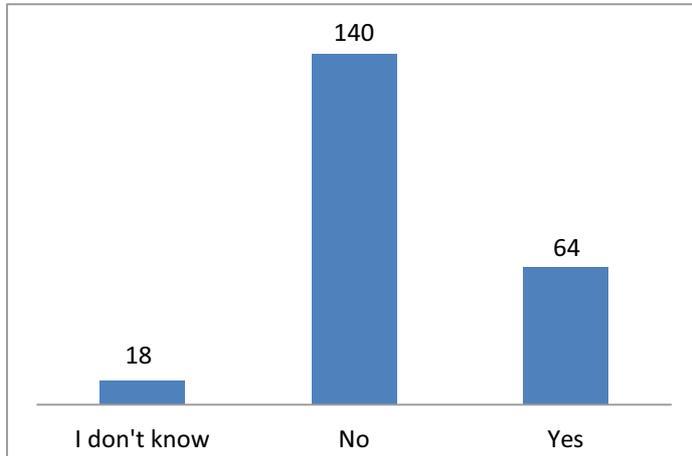
A quarter of the respondents (56 out of 222) were asked to pay bribe by traditional leaders/community authorities. Out of the 25 percent of respondents who were asked to pay bribe by such leaders, only 19 percent actually paid. This suggests that about 6 percent of the total respondents have within the past 12 months refused to pay bribe despite the fact they were requested to do so by community leaders.

On the other hand, a total of 31 (14 percent) respondents admitted to have paid bribe to public officials/public institutions. However, only 22 (10 percent) respondents noted they were asked to pay bribe by these officials. This means some respondents paid bribe to public officials/public institution. By scrutinising this situation further, it becomes clear that about 4 percent of the 222 respondents paid what they considered as bribe/unauthorised payment to public officials even when they had not been asked to do. This gives some indication that a segment of the population have come to accept that paying bribe when dealing with public land institutions is a normal practice. Such people have high tolerance for corruption, it becomes even more difficult to combat it. Bribes are mainly paid in cash. This is because 85 percent of all those who admitted to paying bribe paid money. Only about 5 percent of the respondents noted that they paid something other than money as bribe.

What will be the motivating factor for people to pay bribe even when they have not been asked to do so?

To explore this, the relationship between paying bribe and one's perception of tenure security was examined. Many respondents (140 out of 222 or 63 percent) noted that the land they are currently holding cannot be taken away and this represents widespread perception of tenure security. However, 64 out of the 222 (29 percent) felt that their land right was vulnerable.

Fig 10: Can your land be taken away from you?

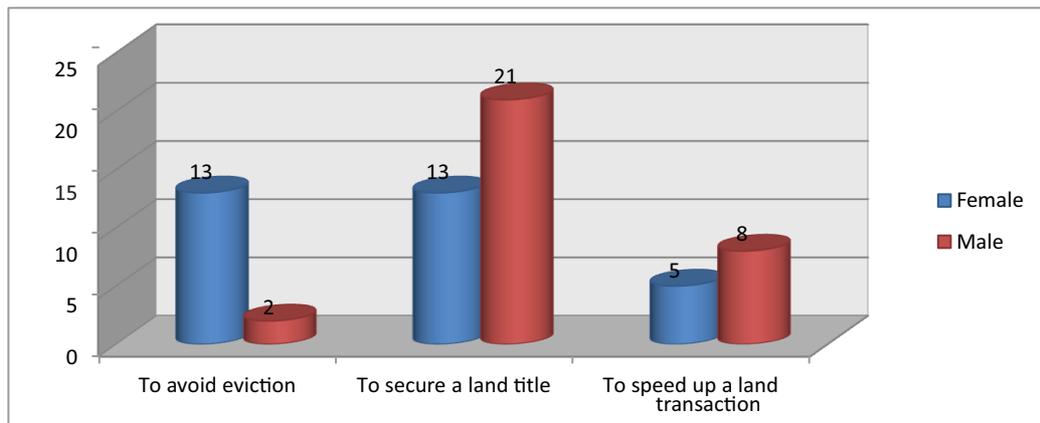


Source: Field Survey, 2015

A cross tabulation of the questions 'can the land you are currently using be taken away from you' and 'did you pay bribe within the past 12 months' brings to the fore that 42 percent of those who noted that their land cannot be taken away from them indicated that they have paid bribe during the past 12 months. It will appear that paying bribe could improve one's perception of tenure security. This is because 15 out of the 83 respondents, who admitted to have paid bribe, (18 percent) did so to 'avoid eviction' whereas 34 (41 percent) paid bribe to 'secure title'. This means about 60 percent of all those who paid bribe did so to strengthen their security of tenure. Only 16 percent of bribe payers did so to speed up land transaction. This indicates that there are different motives for paying bribe.

Are there different reasons why men and women pay bribe? Further analysis indicates that more women than men are likely to pay bribe to avoid likely eviction. Men, on the other hand, are likely to pay bribe to speed up land transaction or improve perception of tenure security.

Fig 11: Reasons for paying bribe- Gender Break down



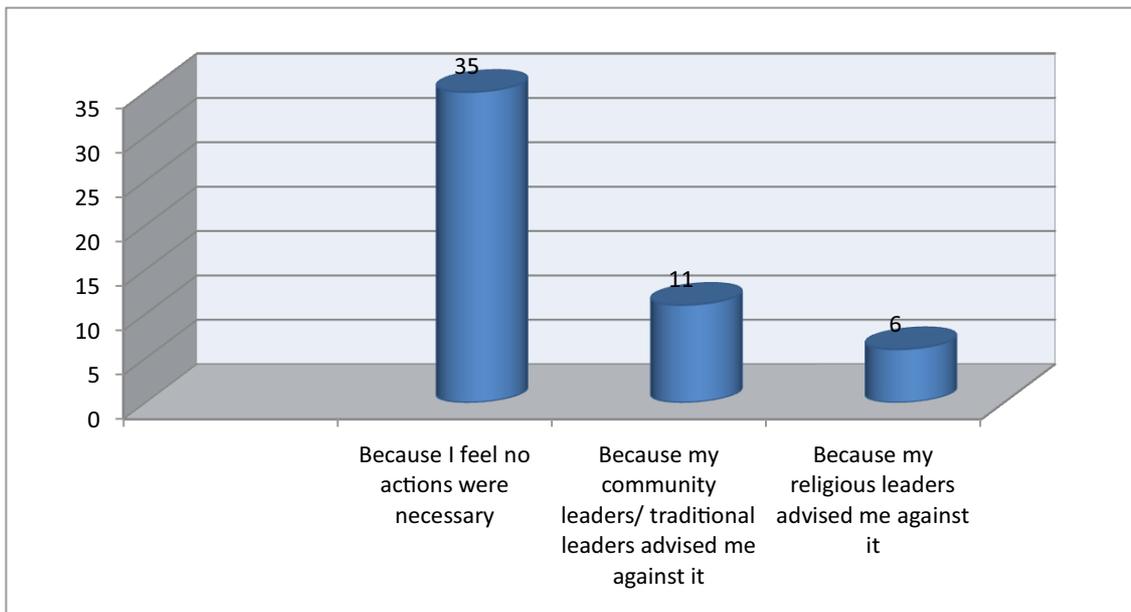
Source: Field Survey, 2015

People with perceived vulnerable land rights may be more prone to forced eviction (UN-Habitat, 2007). Therefore, the fact that more women than men paid bribe to avoid eviction could be an indication that, relative to men, more women perceive their land right as less secure.

Redress Opportunities for those whose land rights have been violated

When people's land rights are violated in anyway or have been required to make unlawful/unauthorised payment, such affected people should be entitled to a range of remedial measures. However, 96 out of the 222 respondents (43 percent) have not taken any action with respect to their land. Various reasons account for why people are less likely to undertake actions to assert their land right.

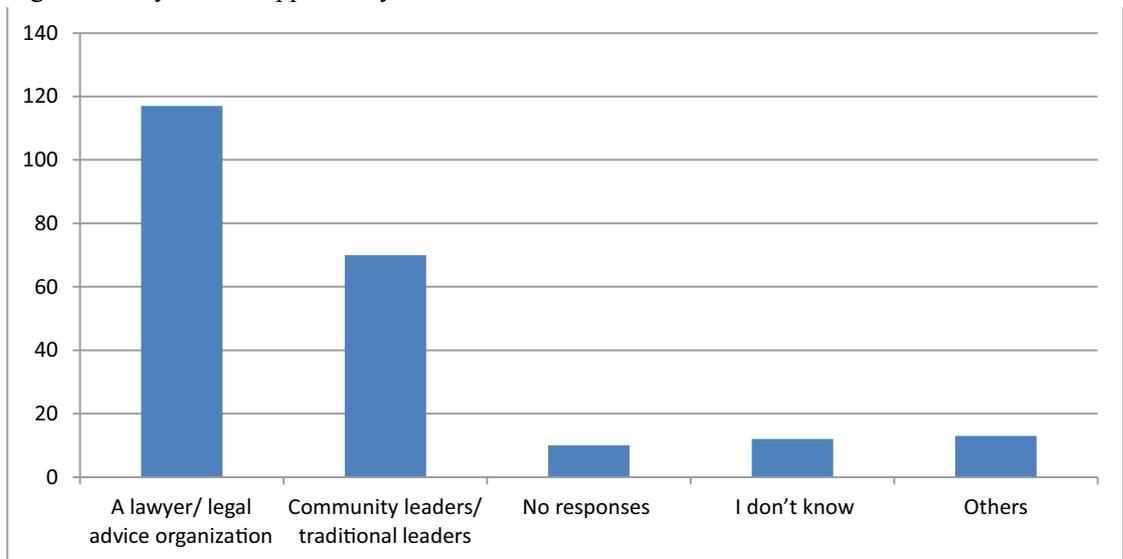
Fig 12: Why Respondents fail to take action in times of land rights violation



Source: Field Survey, 2015

To be able to effectively demand answers from the various authorities in times when one's right to land has been violated, there must be clear redress institutions and structures. There are various channels which are potential. These include law enforcement agencies, opinion leaders and traditional leaders as indicated below:

Fig 13: Likely redress opportunity to use



Source: Field Survey, 2015

From the chart above, majority of people are likely to resort to lawyer or a legal advice organisation. This is welcoming. However, there are very limited legal advisory organisations which provide services on *pro bono* basis (GCAP Report, 2014). This means, many people who may want legal advice will have to engage the services of lawyers. Yet this is expensive and many people in reality will be priced out of the reach of lawyer.

The next most common avenue through which people resolve their land related contestation is through the chieftaincy setup. However, this throws up different implications for the various land users. To begin with, many respondents depend on traditional leaders for land related information which is required to demand accountability. Chiefs/traditional leaders have also been identified as the prime source of threat to people's tenure security. Despite these, chiefs/traditional leaders are still seen as prominent institution that should be involved in resolving land related disputes. This creates a situation where the person who is more likely to cause a dispute is also likely to be involved in its resolution. This is potentially a conflict of interest situation because it will be difficult to see these traditional leaders as neutral arbiter. In effect, those whose land rights are infringed upon face real struggle in seeking justice and fair settlement.

The foregoing analysis and discussions have presented evidence that provides an overview of the various complexities involved in land ownership, access, decision making, control and dispute resolution and how issues of corruption, particularly bribery, permeates almost in every area. Significantly, available evidence indicates 1 in 3 actually paid bribe. Although various institutions may demand bribe, there is the situation where people on their own volition pay bribe, obviously to procure some favour. Both men and women admitted to

having paid bribe. It is the driving force behind such payments which differs. Whereas women are more likely to pay bribe to prevent eviction, men are more inclined to paying bribe in order to speed up transaction or increase their perception of tenure security.

It is important to note that these are not the only situations in which corruption manifests. Various land uses and emerging developments in land such as large scale land deals, the growing rubber cultivation and land documentation processes among others all present unique cases in which corruption is highlighted. In the ensuing case studies, the report examines and discusses the various hotspots of corruption and how these yield disproportionate impact for men and women with women been the worse affected.

CHAPTER 4

SPECIFIC CASE STUDIES

4.0 Introduction

This chapter takes a closer look at various land uses and developments within the land administration arena with a view to identify the various forms in which corruption manifests. The chapter examines the various hotspots and opportunities which encourage the incidence of corruption and how women become disproportionately affected, despite the fact that they are less likely to be part of those who perpetuate corruption.

4.1 Rubber Production in Ahanta Mpatasie: Issues and Implications

It has been predicted that rubber has the capacity to be a leading foreign exchange earner for the country,¹² thus a potential important driver of economic development. Since its introduction in the country during the 1930s, the production of rubber has gone through many phases. The main commercial player in the rubber business is the Ghana Rubber Estate Limited (GREL). A brief historical overview indicates that GREL started as a small private plantation established by R. T. Briscoe in 1957 at Dixcove with a plantation size of 923 hectares.¹³ The plantation was nationalized into Agricultural Development Corporation (ADC) in 1960 and later, State Farms Corporation in 1962. The Ghana Government, in 1967, established a joint venture company with Firestone Tyre Company of USA to take over the rubber plantation. GREL became wholly state-owned in 1980 when Firestone sold its shares in GREL to the Ghana Government. However, the Ghana Government entered into a financing agreement with the then Caisse Française de Développement (CFD) now Agence Française de Développement to rehabilitate and manage the company's rubber plantation and to build a new rubber processing plant which is currently in operation.

Popularity of rubber is fast growing across the Ahanta West District and other parts of the Western Region. People from within the area as well as from elsewhere are therefore increasingly acquiring land for establishing rubber farms. Indeed several food crop and oil palm farms have been converted to rubber farms. Various reasons account for this trend. First, the price of latex (from rubber) is significantly higher than that of oil palm and other food crops. Matured rubber trees can be harvested two times in a month over a ten-month period within a year. Although the price of latex may fluctuate in line with the price on the world market, an acre of rubber farm can still yield an average amount of GHC 400¹⁴ every month. When this kind of earning is contrasted with income from oil palm and food stuff (which may average an estimated GHC 700 per acre annually), it becomes obvious why farmers are converting their existing food crop farms and acquiring new land for rubber production. Furthermore, the Ghana Rubber Estates Limited, which is the primary buyer of the latex pays the farmers through their respective bank accounts periodically. Indeed some banks consider this regular flow of income as adequate security to guarantee a loan. The

12. <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/Rubber-will-be-number-one-foreign-exchange-earner-for-Ghana-soon-190852>

13. For detailed historical overview see <http://grelgh.com/history/>

14. Exchange Rate= \$1: GHC 3.75. Estimated figures provided by the Corporate Social Responsibility Affairs Desk Officer, KOSMOS Energy, Agona Nkwanta, 5/11/15. Further checked with District Director of MoFA, 6/11/15

formalised system of payment coupled with the fact that income from the rubber is considered regular enough to secure a loan (note- revenue from oil palm is not accepted as collateral by banks) make it more attractive to farmers to venture into rubber. Rubber matures within a period of six years after which it requires relatively minimal farm maintenance. Finally, rubber thrives better in unpredictable weather and climatic conditions thus making it suitable in the current changing climatic conditions. As a result of all these conditions, it is fairly reasonable that farmers are turning to rubber, which has locally been described as 'white gold'.

Ordinarily, the surge in rubber cultivation across the Western coast of the country should have been a welcoming development. However, a closer look at this trend brings to the fore how land in the area is being put under pressure and women's land rights are increasingly being rendered vulnerable as a result. This, in turn, is undermining their socio-economic wellbeing and endangering household food security in the process.

4.1.1 The Implication of the Rubber boom for land dynamics in Ahanta Mpatasie

Ahanta Mpatasie is a farming community which is located about 10 km away from Agona Nkwanta, the capital town of the Ahanta West District. It has a population of about 1,300 people and it is within the operational zone of GREL. GREL was at a point a nationalised plantation. Therefore, the actual GREL plantation is one state land. There is growing demand for rubber yet GREL faces challenges in expanding its plantation as a result of land access constraints. In response, the investor resorted to outgrower scheme in the 1990s. Under outgrower arrangements, agricultural production is carried out according to a prior agreement in which the farmer commits to producing a given product in a given manner and the buyer commits to purchasing it (Action Aid, 2015). This arrangement ensures that farmers receive technical and other forms of support from the investor as well as a guaranteed market and GREL has been implementing what is known as the Self Financing Outgrower Scheme. As of 2012, GREL had a total of 5,440 outgrowers (Paglietti and Sabrie, 2012). These outgrowers receive technical input from GREL on the basis farmers will sell exclusively to GREL within the first 10 years upon maturation. Outgrower arrangements have received rave reviews and have been described as the main road towards making African agriculture more market-oriented (Felgenhauer and Wolter, 2009). Commentators argue that through such schemes, investors are able to access the needed land without displacing farmers (Vorley et al, 2012). Therefore, through the outgrower transaction arrangements, GREL is systematically accumulating land to expand their rubber production.

Furthermore, the expansion in the number of outgrowers is resulting in new forms of land transactions and in the process piling additional pressures on land in the area. In order to qualify as a Self-Financing Outgrower under the GREL arrangement, one needs to acquire a minimum of 10 hectares (or 24.7 acres)¹⁵. Yet in the broader national context, farming is dominated by small holder farmers who tend to control less than five hectares of land, often in fragmented forms (Nin-Pratt and McBride, 214). This means, individuals who are desirous of venturing into rubber production as self-financing outgrowers undertake some form of land aggregation/consolidation in order to meet the minimum threshold. Such land aggregation comes with its inherent risk of subjecting smaller holder farmers to market-

15. http://www.grelgh.com/wp-content/uploads/2013/07/SFO_Agreements.pdf [accessed on 02/1/2016]

driven displacement, landlessness and further socio-economic hardships.

The growing demand for land is reducing the available stock of land and this development is contributing to drive up land values thus making it even more attractive to those controlling land to alienate as many parcels of land as possible. Land in this area is ultimately owned by the stool with the chief as the trustee although various individual families have their own parcels. However, chiefs, head of families and others elders have over the years alienated land either through outright sale or long term lease. It is not clear what the benefit from such land transactions are used for. Members of the community who were interviewed and engaged through focus group discussions noted that they could not point to any tangible development in the community to justify the quantum of land that has been sold over the years.¹⁶ This will appear to indicate there have not been transparency and equitable benefit sharing of revenues which are generated from the collective resources. However, the regent chief holds a contrary opinion. He cites the refurbishment of the palace as an example of how part of the revenue from land sales has been used to improve the community. What appears undisputable is the continuous granting of land in a similar way continues to make it extremely difficult for community members to access land. This has indeed become a push factor which is leading to the migration of the youth, particularly young men to the urban areas in search of employment opportunities. Women have the gendered role of being mainly responsible for bringing up children and this has implication for their ability to migrate. This creates the situation where women remain in the communities with a bigger responsibility to bring up children, yet with even more limited opportunities to access land, the most fundamental productive asset in the rural community.

In this area, women can activate their inherent right as usufructs to access land by virtue of their membership of the land owning community. However, the likelihood of accessing land through this pathway now is hugely unlikely. This is because, the available stock of arable land has been depleted considerably over the years. Chiefs, family heads and other traditional elders prefer to sell the land to strangers and make money instead of safeguarding the interest of the collective owners. This is consistent with the trend across the country as noted by Owusu (2008). The selling/granting of community/family land to the highest bidders, often at the expense of the community members has resulted in new land access dynamics with women worse affected. Various reasons account for this.

First, it has become conventional within the local cultural set up for male relatives to accompany women who are seeking to acquire land from the chief or the family head.¹⁷ With men and women now competing for scarce land, it is difficult to envisage how a man will follow a woman to appropriate authorities for land when indeed his own basic land needs have not been fulfilled.¹⁸

Husbands are also having access and control over limited land as a result of depleted available land stock and this has direct implication for the amount of land that could be ceded to their wives. Indeed, various examples were cited to illustrate how husbands have taken away lands which were hitherto under the control of their wives for the purpose of expanding their

16. There was a consensus among all focus group discussants. This view was further reinforced through interview with one community member – both on 6/11/15

17. From the focus group discussion, it was highlighted that women will prefer to go in the company of men because it gives some indication that one has the needed labour support since farming is seen as labour intensive. If a woman goes to the traditional leader with a male relative too, it minimises any possible suspicion of amorous relations between the women and the traditional leader. This is very important, especially to married women others who are in recognised co-habitation relationship

18. Focus group discussion with women, date

rubber farms¹⁹. When community leaders are entrusted with the responsibility to hold and manage land in a way that yields equitable benefit for all, they are expected to respond to this duty with integrity. Indiscriminate land sales that deprive the local people access to their heritage without consent and approval is certainly a case of bad land governance. Worse still, gains from such land sales are not effectively spread out. Rather only a few benefit. This is a case of abusing entrusted position for the gain of a few at the expense of the broader community. This is a case of corruption. And despite the fact that women are not specifically targeted, their land access becomes vulnerable under the current development.

4.1.2 From Farmers to Farm Hands - The Story of Women in Ahanta Mpatasie

The continuous sale of land without ascertaining the present and future needs of the local community has deprived members of their access to land. Revenue from such land sales is not channelled into more productive uses such as developing alternative livelihood strategies. Land has become a scarce object and access by indigenes is increasingly becoming a challenge as chief, family heads and other trustees prefer to 'sell' land to non-members of the community for a fee instead of granting such lands to their own people. With men and women now in keen competition for land and husbands even taking away land they have previously granted to their wives and partners, it is clear that women are now facing more pronounced land access difficulties. In the same time, women are expected to provide food and make other contribution towards the upkeep of their family.

Without access to land and employable skills, working as labourers on the plantation of GREL has become the main source of livelihood and economic survival for many women in Ahanta Mpatasie and other surrounding communities. However, working as a labourer on GREL plantation comes with its own challenges. Labourers who work on the plantation undertake work such as clearing the undergrowth of the rubber trees, applying fertilizer, tapping, pruning, application of chemicals as well as fixing caps, spouts and hangers to collect the latex from the rubber trees. Such workers are also expected to collect all coagulated latex and subsequently transport them to a designated point. Head portorage remains the sole means for such transportation activities. Tapping involves a deliberate attempt to inflict a deep cut to the rubber tree in order to induce the flow of the latex. The latex then gradually drips into purposely designed cups which are held in place by a hanger.

Working as a labourer raises several concerns. First, the means of transporting them to farm provides grounds to be concerned. Labourers are transported using vehicles which were originally designed to carry cargo. The conditions within which the labourers are transported also come with its incidental challenges. Cutlasses and knives are some of the main tools which labourers use in their various works on the plantation. Carrying these sharp objects in a crowded vehicle comes with the risk of injuries. This is further heightened by the fact that such overcrowded vehicles ply on poor roads and this has resulted in many injuries from cutlasses and knives to the labourers over the years. Indeed two of the women who participated in the focus group discussions indicated that they have suffered injuries under such circumstance.

Working as a labourer on the GREL plantation also has implication for family cohesion and effective upbringing of children. This is because in almost all instances, labourers are

19. Interview with Regent, Ahanta Mpatasie 6/11/15. Confirmed by District WIAD Officer

transported to the plantation at 4:00am and return by 4:00pm. As a result, there is limited opportunity for mothers to monitor their wards. Those with babies who are not of school going age are left in the care of nannies/caretakers who charge between GHC 50 -70 per child every month. This represents a massive outgoing considering the fact that labourers earn an average of GHC 300 per month. Labourers are contracted to work 6 out of 7 days in a week. Even on Sundays, there is an increase in the daily rate from GHc12 to Ghc 20 and this tends to further attract people to work. All labourers are engaged as 'casual staff' who are therefore not entitled to employment related benefits such as maternity leave, medical attention, paid holidays, etc. Effectively, labourers, of which a significant component are women, work all through each week. Effective parental control is compromised and social ills such as school dropouts and teen/pre-teen pregnancies have become rampant in this area. Under such situation, there is the risk that the next generation will grow up without any skill or guaranteed access to land, a situation which will reinforce intergenerational poverty cycle. These are some of the social cost which labourers, mostly women, have to contend with.

Working as labourer on the plantation also exposes people to the harmful effects of various chemicals. Labourers are expected to tap at least 750 rubber trees daily in order to receive their daily mark²⁰. As part of the tapping process, the chemical Ethylene is applied to the marked trajectory on the rubber plant in order to induce the flow of latex. This appears to be a popular practice in the rubber industry as reported by Zhu and Zhang (2009). But what are the health implications from being exposed to this chemical?²¹

Hazard Summary of Ethylene

The major use of ethylene oxide is as a chemical intermediate in industry. The acute (short-term) effects of ethylene oxide in humans consist mainly of central nervous system (CNS) depression and irritation of the eyes and mucous membranes. Chronic (long-term) exposure to ethylene oxide in humans can cause irritation of the eyes, skin, and mucous membranes, and problems in the functioning of the brain and nerves. Some human cancer data show an increase in the incidence of leukemia, stomach cancer, cancer of the pancreas, and Hodgkin's disease in workers exposed to ethylene oxide. However these data are considered to be limited and inconclusive due to uncertainties in the studies. EPA has classified ethylene oxide as a Group B1, probable human carcinogen

Therefore, long term exposure to this chemical is a major health risk. Admittedly, GREL provides personal protective equipment (PPE) such as aprons, gloves and goggles in order to minimise any possible body contact with the chemical. Furthermore, training is provided to the labourers on safe chemical handling and storage practices. These are welcoming. However, there are several instances where the PPEs are not worn and prescribed means of handling chemicals are not followed. For example, 'Many labourers prefer to use their fingers in stirring and applying the chemical because that is faster'.²² Such practices can have considerable health implications and GREL should intensify its education and sensitisation initiatives in order to avert what looks like a huge potential danger.

20. Focus Group Discussion with women, Ahanta Mpatasie, 6/11/15

21. <http://www3.epa.gov/airtoxics/hlthef/ethylene.html>

22. Interview with the District Director of Ministry of Food and Agriculture, 6/11/15

4.1.3 Food Security Implication of the Surge in Rubber Production

The increased use of farmlands and the conversion of existing food crop farms for rubber production is heightening food insecurity in rubber growing areas such as Ahanta Mpatasie. Food security remains a critical development issue across the entire world, especially in developing world where hunger and starvation are pervasive. Access to food is a fundamental human right under the International Covenant on Economic, Social and Cultural Rights (ICESCR). According to this covenant, the right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement (Alston and Quinn, 1987). According to FAO (2015), food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life. In effect, both ICESCR and FAO conceive food security primarily as one's ability to *access* food. People become food vulnerable or insecure when there are doubts about their guaranteed access to food.

For rural people, food security may be attained by cultivating food crops and rearing of animals in order to be self-sufficient and self-reliant in terms of food access. Alternatively, rural people who may not be self-sufficient but have the economic resources may be able to access food in order to meet their nutritional needs. However, when community leaders continue to 'sell off' land belonging to the entire community in order to generate revenue which is not used to improve the community at large, food security becomes threatened.

Already, a sizeable proportion of the population is facing food security challenges. An estimated 1.2 million people, (4.8% of the total population) are said to be food insecure and 1.9 million people are at risk of being food insecure. This means, more than 3 million people (or 12 percent of the population) do not have access to an adequate and secure source of food supply. It is within this context that the move away from food to rubber becomes even more worrying.

When compared to other crops presently, rubber is much more economically rewarding and can provide regular stream of income throughout the year. As a result, it has been suggested by some stakeholders²³ that these communities which have the competitive advantage in producing rubber should be encouraged at the expense of food production. This is because, income from the rubber can be used to purchase food, a situation which will still guarantee 'access' to food, despite being rubber producers. This argument in principle is logical. However, it must be first contextualised and subjected to further analysis in order to effectively map out its food security implications in the long run.

First, within the cultural context of Ghana, there are gender specific roles at the household with women often responsible for the provision of food. This explains why in many male headed households, women are more likely to be producers of food crops whereas men often go into the cultivation of perennial cash crops (Duncan and Brant, 2004). Men therefore tend to have access and control over revenue from cash crops. This in a way positions men as the principal decision makers in male headed households²⁴. The incessant conversion to rubber

23. Interview with the District Chief Executive, 5/11/15 This view is shared by the Regent chief as well as the Corporate Affairs Desk Officer of Tullow who doubles as Opinion Leader in the area, 5/11/15

24. Focus Group Discussion with Women, Ahanta Mpatasie, 6/11/15

farms will in the long term create the situation where women, who are predominantly responsible for feeding their families will be left with no food crops as well as little or no control over the income from the rubber. This can create the situation where rural households will not be self-reliant in their access to food and may not readily have the economic resources to purchase even if the food is available. This state of affairs can escalate the level of food vulnerability.

Cassava remains a major staple food within the people of Ahanta West. However, cassava does not thrive alongside rubber, largely as a result of their striking similarities in their tap root system. As a result, almost the entire stock of the cassava which is consumed within this area is bought from other parts of the Western Region. It is estimated that a family of 4-5 people may spend up to GHC5 on cassava whenever they want to prepare cassava based meal.²⁵ That means, at least GHC150 (or 50 percent) of the labourers' monthly wage of GHC 300 goes into cassava alone and this does not include breakfast and lunch. In this regard, the monthly wage does not guarantee that household who have lost their land to rubber cultivation will be able to procure enough food to meet the dietary needs of their respective family.

4.2 Women, Land and Corruption, Evidence from the Northern Region

The Northern Region is one of the 10 administrative regions of Ghana. It covers a total land size of about 70,000 km² and this represents about 30 percent of the entire land mass of the country. Its estimated population of 2.5 million people translates to about 10 percent of the national population.

The population is sparsely distributed across the region, except in urban areas such as Tamale which is currently experiencing rapid urbanisation. The vast land coupled with the relatively low population means, there is significant supply of uncultivated land. As it will be examined shortly, this in itself is proving to be a source of concern as a result of a wave of large scale land acquisition in the area. In terms of the land ownership system, majority of land in this region is held by skins (as representing chiefs and their people). There are some remnants of the tindaana institution (or earth priest) which played critical roles in management in this part of the country. However, these earth priest have effectively been extinct and their land related responsibilities have effectively been usurped by chiefs and overlords in contemporary times (Lund, 2008). In effect, with the exception of some pockets of land which have been acquired by the state, all lands in the region are skin lands. Bulk of land is thus governed by customary land holding arrangement which is largely patriarchal in nature.

To what extent is corruption occurring in large land deals? To what extent is urbanisation rendering women's land rights vulnerable and how does the patrilineal mode of inheritance play out in all these? To address these issues, evidence is adduced from two communities – Savelugu and Wamale through a combination of key informant interviews and focus group discussions. Savelugu is a peri-urban town which lies about 15km north of Tamale.

4.2.1 Urbanisation and peri-urban land use changes, implications for women in Savelugu

In Savelugu, the research explored how rapid urbanisation and the state's decision to upgrade the Tamale Airport to an International one have combined to redefine landholding dynamics in the area. Women's land rights are being weakened as a result.

²⁵. *ibid*

Peri-urban and inner city agriculture is an integral economic activity in this part of the country. It contributes food to meet the household needs while serving as a source of income. In the peri-urban areas, access to land for property development is often negotiated through the local land market where in principle, the only determinant of access is one's ability to pay the asking price. However, when such lands are needed for farming purposes, access is negotiated based on prevailing customary land tenure dictates. It is within this context that women land right vulnerability within a patriarchy becomes more pronounced. First, in patriarchal contexts, women who are seeking to acquire land through prevailing tenure practices are granted use rights as opposed to outright ownership of the land. In effect, women are in a position which da Rocha and Lodoh (1995) describe as 'Licensee'. Licensees have largely uncertain tenure because their rights can be terminated legitimately provided reasonable notice is provided.²⁶ In effect, women have weaker land rights under the patrilineal system.

The rapid rate of urbanisation in the Savelugu area is highlighting this peculiar land tenure vulnerability which women face. The Tamale Metropolitan Area has witnessed phenomenal urbanisation over the past few decades: A population increase of 116% between 1984 and 2000, and a spatial expansion of 137% between 1989 and 2005 reflect it (Fuseini, 2014). Savelugu-Nanton is about 15km away from Tamale and the rapid rates of population growth and urbanisation have been felt in this area. According to the 2000 Population and Housing Census, the Savelugu-Nanton Municipality had a population of 91,000 (GSS, 2002). The population rose sharply to 138,000 in 2010 (GSS, 2014), representing an increment of about 50 percent within a decade. The 2010 Population and Housing census describes 40 percent of the communities within the Savelugu-Nanton area as urban, compared to 20 percent in 2000 (GSS, 2014) A rapid population rise is effectively driving up urbanisation in direct proportions.

Urbanisation and agricultural lands are in close competition since urbanisation in Ghana largely occurs through accumulated accretion (Yeboah and Shaw, 2013). This means land in the urban periphery is in constant demand by people who are seeking to develop properties. There is therefore land use transition with agricultural lands giving way to property development. Ordinarily, granting out land by custodians for property development should not be a worrying development. However, it is important to examine the driving motives behind such practices. To begin with, the Local Government Act 1993 (Act 462) mandates local government agencies as the sole authorities which are responsible for planning and subdividing land to guide the growth of human settlements. However in Savelugu, like the case in many peri-urban areas across the country, chiefs take the lead by subdividing and allocating land. Such land allocation is almost in all instances the decision of chiefs and local elites. There is therefore lack of the needed transparency in this regard. When peri-urban lands are converted for property development, it results in market driven displacement of previously peri-urban farmers.

Many women depend on farming in the peri-urban interface to produce food to meet the needs of their families. Yet their control over such land is very weak. This is largely because the basis of their land access is essentially an oral permission to use the land. It is not backed

26. According to Customary Tenure Practices, reasonable notice should allow the licensee time to harvest the cultivated crops which in many instances are seasonal or at most, annual crops (see da Rocha and Lodoh, 1995; Ollennu, 1965)

by any documentary evidence'²⁷. This has two broad implications. First, such peri-urban farmers are prone to arbitrary displacement in times of rising land values. Secondly, there is weak ground to make claims for compensation.²⁸ Displaced farmers, who are mainly women cultivating food crops and vegetables for consumption and sale are big losers in times of displacement. First, it takes considerable effort and cost to plough, harrow and undertake some site preparation works. Secondly, displaced women are now forced to work on even smaller farm plot sizes and this results in intensive use, rapid depletion of soil quality and the need for fertilizers and other means to sustain soil fertility. Displaced peri-urban farmers, who are mostly women, further face the challenge of accessing new or additional land for farming purposes. Yet this remains a daunting task. In the dominantly patriarchal society, accessing land for farming purposes only reinforces male dominance since women must negotiate land through their male relations. In the current context of increasing land pressures, displaced farmers have to contend with the possibility of travelling to farther distances in search of suitable land for farming purposes. One woman who has already had to deal with such development recounted her experience during an interview:

'On three occasions, I have had to lose the land which I was farming on because it was sold to some rich people to build houses by the [local] chief... The only land which was available to me was in Dungu [about 3km from Savelugu]. Now I am spending a lot of time walking to the farm.... At times you arrive at the farm already tired'

In the contexts where power imbalance makes it difficult for communities to demand downward social accountability, chiefs and other traditional authorities are taking advantage of the rapid wave of urbanisation to maximise financial gains simply by allocating agricultural land for property development. The fact that this is done outside the scope of the prescribed legal approach, where planning and such allocations should be undertaken or supervised by local planning authorities, represents abuse of process which in itself is corruption. Worse still, the sub division and subsequent allocation of land to developers are carried out with little or no involvement of the broader community. In such contexts, there is little opportunity to demand transparency and accountability in the use of the revenue from the land sells. Chiefs and local elite in effect become the principal beneficiaries of the land sales. With this as an intrinsic motivation, chiefs and other entrusted agents of customary land continue to unilaterally convert peri-urban lands and in the process displace men and women, particularly women which in turn undermine their livelihoods.

4.2.2 Tamale Airport Upgrade and Tenure Vulnerabilities

Another source of tenure vulnerability is the Government's decision to upgrade the Tamale Airport to International status.²⁹ This is already piling additional pressures on land in the area with women rights increasingly being rendered vulnerable. As part of the Airport upgrading project, the state through its compulsory acquisition powers has acquired 8,000 acres of land. Communities whose lands have been acquired for the airport expansion include Savelugu

27. Interview with Regional Gender Officer, Tamale, 29/10/15

Such documents to back ownership claims usually include Allocation Note, Lease Document and Land Title Certificate. As a comment, the household survey indicated that quite of respondent had their name of some documents in relation to land. Such documents were broadly defined to include land related payments such as receipts of property rate, farm rent, ground rent, etc. However, these are only weak forms of proof which is not enough to pursue claims for compensation in case of displacement.

28. Interview with Deputy Regional Head, PVLMD, Lands Commission, Tamale, 28/10/15. Similar sentiments were expressed by focus group discussion with women in both Savelugu and Wamale, 29/10/15

29. <http://www.graphic.com.gh/news/general-news/46069-tamale-airport-project-to-be-completed-in-december.html>

Nanton Municipal, the Kunbungu and Sagnarigu Districts and part of the Tamale Metropolitan Area. Compulsory acquisition of land naturally displaces people and reduces the available stock of land and in the process increases competition for land access.

Beyond these, the decision to upgrade the airport is raising land access and tenure security issues. First, there has been a significant wave of speculative land acquisitions by investors who are seeking to take advantage of the anticipated rise in land values. Like the case of urbanisation, the surge in land speculation is resulting in market driven displacement of farmers in Savelugu and other neighbouring communities. Yet again, traditional leaders have taken advantage of the recent rush in the demand for land to 'sell' as much land as possible with the sole motive to maximise monetary gains from land; gains which are not necessarily used for the collective good of the community. As the main users of peri-urban lands, women are being further squeezed and women represent the actual losers under this situation.

4.2.3 Compulsory Acquisition and the Gendered Aspects of Compensation Payment

Article 20 of the 1992 Constitutions empowers the state to compulsorily acquire any land which is needed in the interest of the public. However, this right of the state comes with the responsibility to pay prompt, fair and adequate compensation (Article 20:2a). Although compensation for the land acquired for the Tamale Airport project has not been paid yet, plans are underway to do so. Over the years, the payment of compensation by the government has proved to be problematic, gender insensitive and largely unresponsive to prevailing circumstance. This creates the situation where the state reinforces existing culture-induced gender biases and imbalanced power relations. The state inadvertently tends to offer protection to the more powerful in the society to the detriment of the more marginalised and vulnerable category of people.

When land is compulsorily acquired, two categories of compensations are paid- compensation for improvement, such as crops or buildings and compensation for the land *per se* or the actual land acquired. The payment of compensation for improvements is often simple - the active farmer or individual is identified and paid accordingly. It is, however, somehow complex with the payment of compensation for the land *per se*. The state pays the lump sum of the value to the appropriate stool or skin. The occupant of the stool or skin is then expected to fairly and equitably pay members of the community whose lands have been expropriated. Significantly, the occupant of the stool or the skin almost in all instances is male, thus making the payment of compensation gendered. The only time the state directly pays an individual for the land taken is when one can proof ownership of the subject parcel of land either through a registered lease document or a land title certificate.

Lease documentation and land title registration are technical processes which are expensive and time consuming. Considering the fact that in the patrilineal context of Savelugu, women tend to have use right of land and not actual ownership,³¹ it is practically impossible for women to have such documentations in their own capacity with respect to land they have acquired through customary male relations.³² Women are thus less likely to make claims in their own capacity with respect to the land *per se*. This means with the compulsory acquisition for the

30. Interview with official of Lands Commission, Tamale, 28/10/15. This was further confirmed by official from the Lands Commission in Takoradi, 5/11/15. The author has also had experience with this arrangement

31. Interview with the Regional Gender Officer, Tamale date, Gender and Social Development Officer, Savelugu and Official of the Lands Commission Tamale 28/10/15

32. If the land was acquired through the local land market by paying the asking price of the land, then the woman can have the documentation in her name

airport, women will only be paid compensation for affected crops. Considering that women traditionally control smaller farms, which are primarily used for food production,³³ it is fair to anticipate that compensation which will be obtained as a result of the affected crops will only be marginal. By paying lump sum compensation of the land acquired to the chief and traditional authorities without paying attention to the existing imbalance power relations and weak women's voice and standing with regards to land, the state is implicitly contributing to perpetuate inequality against women.

4.2.4 Gender inequalities in accessing tractor services and farming inputs

The work by SIPA Students identified how the male dominance in the control and distribution of critical farming inputs such as fertilizer and pesticides in the Western Region makes it even more difficult for women to readily access these critical inputs. Similarly, in the northern region, existing gendered structures and practices are also causing some disadvantages to women in accessing relevant support such as tractors for farming purposes. What makes this even more worrying is the fact that, women are eventually more exposed to climate change vulnerabilities.

In the northern part of the country where there is some level of mechanised farming, access to tractor services is critical. Tractors are needed to plough, harrow and undertake other site preparation activities prior to planting. Farmers access tractor services through two main approaches. First, there are some families which have their own. Secondly, there are agri-service providers who often plough and support farmers with farming inputs for a fee.³⁴ Accessing tractor services through either pathway is gendered, with women being disadvantaged.

The dominantly patriarchal socio-cultural set up in the north means that family tractors are under the care and control of men.³⁵ Also, the operation of tractors is almost an exclusive activity by men. Although family tractors are



Focus Group Discussions with Women in Wamale

expected to provide service to each member of the family, these conditions mean, the farms of men are ploughed before those women. This is not surprising because the control, operation and the ability to make decisions about a productive asset such as a tractor rest entirely in the male realm (Dittoh et al, 2015).

Families which do not have their own tractors rely on commercial agri-service providers. It must be noted that women have traditionally held smaller farms as compared to men.

33. This well known fact was further confirmed by the Regional Monitoring and Evaluation Officer of the Agricultural Extension Services Division, MoFA, 31/10/15

34. Interview with Executive Director, Grassroot Sisterhood Foundation, Tamale 30/10/15 and Executive Director, Northern Accelerated Intervention for Development, Tamale 30/10/15

35. Focus Group Discussion with Women in Wamale, 30/10/15

Commercial agri-service providers are profit oriented. Therefore, they tend to prioritise ploughing larger fields first. This effectively translates to ploughing male farmlands ahead of women. Women will have to be 'nice'³⁶ to service operators in some instances in order to have their plots ploughed timely. What is 'nice' was not clearly defined although it may include preparing good meal for the tractor operator.³⁷ Such a situation could also open up the space for other forms of corruption such as sexual exploitation of women. It must, however, be noted that there are official charges which are paid for the tractor services which are rendered. Therefore, if any other favours are expected along with the official fees for the tractor in order for women to have timely access, then this is corruption.

Ordinarily, ploughing farmlands of men ahead of women should not raise much concern. However, when this is examined within the context of changing climatic trends, the impact from this gendered access to tractor services becomes more apparent. The impact of climate change can be felt nationwide but the northern parts of the country are much more prone. As a result, it is increasingly becoming difficult to predict the onset of rains with any degree of certainty. Farmers therefore prepare their fields ahead of time in anticipation of rain. As women tend to be the last to plough their land, they are at a greater risk of missing the rainfall which enables farmers to plant their crops. This inherently exposes women to the harsh vulnerabilities of climate change.

4.3 The pressure points of corruption in large scale land acquisitions and implications for women

Ghana, in line with the global trend has been witnessing a surge in the acquisition of long term interest in large tracts for agri-investment and other purposes during the past decade. Opinions remain split on what the impact of this trend has been. Whereas some commentators conceive this as 'development opportunity' others argue that this is purely the case of 'land grab' and an attempt to smuggle neo-colonialism in African countries through the back door (see Cotula et al, 2009, *cf* Kolnes, 2009). Proponents argue that the acquisition of large tracts of land, often by foreign investors for commercial and export oriented agriculture presents the opportunity for developing countries with vast supply of land to leverage their resource for economic development. The capital injection, technology transfer, expansion of infrastructure and potential creations of jobs are some of the possible gains often cited to buttress why this trend should be embraced by all stakeholders.

The surge in large land based investments is throwing up several land governance challenges. For example, land deals are hardly ever transparent and benefit sharing is strategies tend to safeguard few power brokers and duty bearers and not the broader community. As it has been indicated earlier on, weak land governance regimes cause corruption to thrive. Gender differentiated implications of such investments are also well known with women often being disadvantaged in the entire investment chain (King and Bugri, 2013). This situation has prompted the Agriculture Organisation (FAO's) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs) which requires:

States and non-state actors should endeavour to prevent corruption in relation to tenure systems of indigenous peoples and other communities with customary tenure systems, by consultation and participation, and by empowering communities (Voluntary Guidelines, 2012, p. 16).

³⁶. *ibid*
³⁷. *ibid*

The VGGT further imposes a responsibility on stakeholders to be responsive to the gender dimension of large scale land based investments:

[There is the need to] ensure the equal right of women and men to the enjoyment of all human rights, while acknowledging differences between women and men and taking specific measures aimed at accelerating de facto equality when necessary. States should ensure that women and girls have equal tenure rights and access to land, (Voluntary Guidelines, 2012, p. 5)

The Women, Land and Corruption in Africa Project effectively builds on these two important calls contained in the VGGT. But how is corruption manifesting in the large scale land based investments and what are the implications for women? Already, the report by SIPA students has provided some useful insight into the dynamics of large scale land acquisitions. In their work, they highlighted women are less likely to be involved in decisions to execute land deals. However, they are prone to some of the vicious outcomes of this development. The lack of transparency which characterises many such land deals has implications for benefit sharing. Negotiations to lease out land to investors are almost in all instances carried out between the chief, a few elders and local elites on one part and the investor on another. Benefits which accrue from such deals accordingly hardly ever filter down to the communities, thus making chiefs the principal beneficiaries from such deals. The implications of such developments are well documented (King and Bugri; 2013; Cotula et al, 2009). These include insecurity of tenure, resulting in land deprivation often with inadequate or no compensation. In rural communities where livelihoods are largely directly land based, curtailment of land access is a major threat to the economic survival. The findings from the SIPA student's report largely reinforce these well-established risks which are increasingly becoming associated with large scale land deals.

In order to avoid being repetitive, this report moves away from the key issues which have already been raised in the SIPA Students. Rather, the report identifies and examines the various emerging forms of corruption in land deals before eventually narrowing down to explore the gendered outcomes of such bad land governance practices.

4.3.1 Corruption in land deals – why some investors are equally culpable

The northern part of the country has been a hotspot in the recent wave of large scale land acquisitions.³⁸ New forms of corruption in large scale deals continue to emerge and these tend to highlight the complex relationship involvement of investors, politicians and bureaucrats in perpetuating corruption in the land deals. In many cases, traditional land holding authorities do not have the capacity to effectively negotiate with investors. This mismatch in negotiation abilities results in the payment of significantly lower amount for the land acquired by the investor.³⁹ It has also been reported in some instances where chiefs and community leaders have connived with investors to fix lower rent in return for bribe and other favours from the investor. When Biofuel Africa Ltd acquired land in the Yendi area in the Northern Region in 2009, the annual rent per acre of land was fixed at GHC 1.2 (which was about \$ 0.80 then).

38. Solar Harvest AS (or Biofuel Africa as it is known now) is a Norwegian Company which planned to acquire 800,000 hectares of land for the purpose of establishing the largest *Jatropha* Plantation in Africa. The planned acquisition was in the Northern Region. Specifically, it was within the Yendi enclave with communities such as Kpachaa and Salaga involved. After several resistance from the communities on about 11,00 hectares out of the proposed size was actually granted. See http://www.landmatrix.org/en/get-the-detail/by-investor-name/2079/?order_by=27/11/15

39. Interview with Northern Regional Stool Lands Officer, Tamale, 31/10/15

The rent was to be reviewed once every 7 years although the new rent will not exceed 2 percent of the prevailing rent (Bugri 2012; Yeboah 2014). Such rents are obviously low and do not reflect the value of the land, especially since there were no concrete corporate social responsibility commitments under this lease agreement.

In some instances, investors have acquired land without paying any rent. Rather, there is an agreement between the investor and the community to the effect that the community will be entitled to an agreed percent of produce, profit or gross turnover from the investments. The case of *Jatropha Africa Limited* is illustrative. As captured on the lease agreement, the community is entitled to 4 percent of net profit from this investment. This pattern of acquiring land without making payment and then promising the local communities some stake in the investment is becoming popular, especially with acquisition of large lands for solar farms. As a country, Ghana has been experiencing challenges in generating enough electricity to meet growing demand.⁴¹ There has been over reliance of hydro-source for power. However, with rainfall pattern increasingly becoming erratic, this source of electricity has become unreliable in recent times. This has prompted the search of alternatives with solar remaining one of the key sources.

This has resulted in a new wave of acquiring large land for the construction of solar farms. Ghana's energy crisis remains a critical political issue with the opposition political parties incessantly accusing the ruling government of being 'incompetent'⁴³ in providing solution to the energy crisis. There is some level of desperation in the corridors of the government in the search of solutions. As a result any proposed solutions to address the energy crisis tend to receive premium attention from the ruling elite without the required level of due diligence.⁴⁴ In turn, the political players are creating an enabling environment for investment in solar. Among others, this includes the facilitation of the process to acquire large lands for proposed solar farms. In the Alipe area, two investors, *Savanna Pride* and *Savanna Solar* have acquired about 4,000 acres of land for solar farms. In *Tampion* and *Zoogu*, the *White Cap Development* project has resulted in the acquisition of about 1,500 acres of land. Similarly in *Yipala* and *Zanzugu*, *I-Click Fatnet* is increasing its investment in the establishment of solar farms.

Ordinarily, the acquisition of large land for the establishment of solar farms should have been a welcoming response to the current energy crisis. However, some investors are exploiting Ghana's desperate energy situation to 'grab land'. Aided by the political elites, these investors are being welcomed without any strict due diligence checks.⁴⁵ The Lands Commission and other agencies are under enormous pressures from the politicians to expedite the process of acquiring land for such projects.⁴⁶ As a result, the Lands Commission's Guidelines for example are hardly ever followed in the land acquisition process because requirements such as public hearing could be a source of delay.⁴⁷

40. The author has a copy of the lease agreement

41. Ghana's energy crisis has been popularly christened as 'dum-sor'. In literal sense, *dum-sor* means on and off.

It gives an indication that there could be power outages at random times without any

42. <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/Gov-t-turns-to-solar-power-as-dumsor-intensifies-347323>

43. <http://ghana-news.adamonline.com/politics/2015/January-29th/mahas-incompetence-to-blame-for-dumsor-mp.php>

44. <http://www.ghanamma.com/govt-turns-to-solar-power-as-dumsor-intensifies/>

45. Interview with official from the Lands Commission, Tamale 28/10/15

46. *Ibid*

47. *Ibid*

In what is becoming a popular trend in recent times, investors who have acquired land cheaply are beginning to assign their leasehold interest to make profit. With assignment, one sells off his or her unexpired interest in land to another person or entity (da Rocha and Lodoh, 1995). One key implied covenant is that a lessee should not assign his or her interest without the explicit consent of the lessor (da Rocha and Lodoh, 1995). However, complicity on the part of officials and in some cases, pressures from the political elites help to circumvent due process. Supposed investors in the energy sector may thus only be seeking opportunities to acquire land cheaply with the sole intention to assign at significantly higher price in order to make profit. In effect, the current energy situation is helping to set up a complex system of 'land grab'. As it has come to be associated with land deals, investors are paying low rents for the land acquired. In other reported instances, investors have only promised the local community a stake in the investment without paying any rent for the acquired land. In effect, investors are acquiring land cheaply or for free for the purpose of selling to make super-normal profit. This looks an attractive venture which could draw many more likeminded investors unless existing loopholes are plucked with stringent checks.

The fact that such investors, with support from the political class and some complicity on the part of land administrators can avoid due process means, safeguards such as public consultations which should help to protect the interest of men and women are not observed. Land is an asset which is finite in its supply. Such continuous acquisitions only reduce the available, increase competition for land and in the process further highlight the already existing women vulnerabilities in accessing land. As it has already been indicated, the issue of land access, holding and use permeate almost every facet of the Ghanaian social make up. Therefore, these developments have effect on the land rights, land access and general wellbeing of people, particularly women.

4.3.2 Corruption in large land deals – specific implications for women in the Northern Region

It had earlier been identified that good land governance prevents arbitrary tenure vulnerabilities and encourages stakeholder participation while ensuring fair benefit sharing. But how do these play out in the context of large land based investments, which are in many instances plagued with corruption?

Not only is the surge in large scale land deals in the northern region reducing land available to the indigenous population, the trend is adversely impacting on other complementary economic activities which particularly benefit women. In this regard, a brief background is instructive. Shea nuts and dawadawa seeds are famed for their medicinal and nutritional properties. These items are important part of the diet of the local people. There is also a market for these items both locally and elsewhere. The shea and dawadawa trees both grow in the wild. Justifiably, these trees are considered so important that a permit is required from the Environmental Protection Agency before one can cut down even a single tree.⁴⁸ The collection, processing and sale of the seeds constitute a critical part of the local economy. More importantly, these activities are mainly undertaken by women. The sale of processed shea butter and dawadawa is an important source of income for women, particularly during off farming season.

48. Interview with Northern Regional Stool Lands Officer 31/10/15 & Regional M&E Officer, MoFA, Northern Regional 13/10/15

However, this important part of the rural economy is currently under threat as a result of the large scale land acquisition. The right to collect shea nuts and dawadawa vests collectively in all members of the land owning community. In practice, members of the community collect these seeds without restrictions. But this is undergoing some rapid changes under the current trend of large scale land investments. It had been earlier reported that, some investors restrict communities' access, and in some cases cutting down economic trees and without recourse to due process.⁴⁹ These issues were re-echoed by various respondents during the field survey.⁵⁰ By cutting down these economic trees, investors are effectively stifling the local economy with women being worse affected.

Large scale based investments come with huge promise of employment which is hardly ever realised. Even for the limited employment opportunities which may be created soon give way for mechanisation. A case in point is the Biofuel Africa Case in Kpachaa. At the onset of this investment, about 400 people were employed but this was followed with a massive downsizing which saw 360 people loose their jobs. Only 'male jobs' such as operating farm machinery were preserved in the process.

4.3.3 The Lands Commission Guidelines – opportunity for transparency or pathway for legitimising corruption in land deals?

Ghana has attempted to adapt the FAO's VGGT to the local context and the Lands Commission has developed Guidelines for Considering Large-Scale Land Transactions for Agricultural and other Purposes. The objective of this intervention is to respond to the various pitfalls which have become associated with large land based investments. Flowing from these objectives, the Guidelines put in place various requirements which when complied with should empower communities to be more involved in the land leasing process while ensuring that investors are responsible and sensitive to the social, cultural and environmental dimensions of such investments. In turn, the Guidelines makes it mandatory for the public hearing to be conducted as part of the land transfer process. Such public deliberation should involve the land owning community as well as technocrats such as planners, environmental impact evaluators, agriculturalist and land administrators from the Lands Commission among others. Significantly, the Guidelines in the current form mandates the prospective investor to pay for the public hearing. Evidence from the field however confirms earlier scepticism that this arrangement can create channels for abuse. The Guidelines mandates investors to pay the cost of conducting the public hearing. What constitutes the cost component which should be borne by the investor has not been defined. However, where such public hearings have taken place in the past, transportation, lunch and some stipend are provided to officials from the relevant institutions.⁵¹

The Lands Commission is not only expected to play a key role in the public hearing - it is also required to exercise a quasi-judicial function in the form of granting or refusing concurrence. Concurrence is a constitutional requirement that empowers the Lands Commission to scrutinise any proposed stool or skin land transfer (see article 267 (3-4) of Ghana's Constitution). Some investors are now funding the Lands Commission to organise meetings in order to consider the grant of concurrence. This has unsurprisingly been justified by some Land Administrators on the grounds that:

49. Interview with Gulkpegu CLS Coordinator, 29/20/25

50. Interviews with 3 separate officers from the Lands Commission on 28/10/15. Also raised by Executive Director of Grassroots Sisterhood Foundation

51. Interview with Lands Commission official in Tamale, 28/10/15

'Public hearing under the guidelines is a process which goes beyond a meeting with the community. It includes other related activities which should help the Lands Commission to examine all the available facts in order to arrive at an informed decision... and that includes our [Lands Commission's] meetings'

It should be stated that the study did not establish evidence to indicate that the Lands Commission was compromised in its decision to grant concurrence as a result of funding and other support from the investor. However, there is a thin line between such funding/support by the investor and inducement. So despite the good intentions of the Guidelines, there are windows which create avenues to corrupt the process. This can in turn weaken any possible safeguards which the Guidelines may seek to introduce.

4.4 Land related corruption and implication for women in Adomfe

Adomfe is a farming community in the Asante Akim South District of Ashanti Region. It has an estimated population of about 3,000. Historically, Adomfe has been a popular destination for migrant farmers as a result of the abundant supply of arable land in the time past. Land in this area is owned by the entire community although the chief, Nana Adomfe Agyei and selected elders have the responsibility to manage the land for and on behalf of the people. Field investigation which was conducted in this area highlighted two major issues where corruption is pervasive. These matters are examined below.

4.4.1 Documentation of land rights by chiefs increases tenure insecurity for migrants, migrant women are worse affected

Migrant farmers in Ghana are prone to tenure insecurities. This is partly because, land transfers are mainly executed verbally (Kakraba-Ampeh et al, 2014). Therefore, when the chief, who has been on the seat for about 40 years, initiated a process to document existing tenancies and other forms of land grants to farmers, it was largely seen as progressive and welcoming.⁵² However, the process to document land rights of these farmers who are mainly migrants has become laced with several uncertainties. As part of the process to document the land rights of the migrant farmers, the chief and traditional authorities worked closely with these migrant farmers to identify their respective farms. This detailed audit enabled the chief and elders to comprehensively determine 'who owned what farm and this

Corruption in land heightens the existing risk of forced eviction which migrant farmers have to contend with ... when a household is headed by a migrant woman, it is almost certain that such it will suffer some arbitrariness from the duty bearers with regards to the land.



Plate 6: Researcher with the Chief of Adomfe and an elder of the community

⁵² Interview with a woman farmer in Adomfe, 22/10/15

became his weapon'.⁵³ In order to have one's land documents endorsed by the chief, an amount of GHC 1,000 was to be paid by the migrant farmer. This amount was a flat rate which did not take into account the size of one's farm. This means, a small holder farmer with two acres was required to pay the same amount as another farmer with 20 acres.⁵⁴ The decision to levy a uniform rate of GHC 1,000 was therefore considered as 'attack on women [migrant] farmers'⁵⁵ considering that women have traditionally owned smaller farms.

In order to avoid forced eviction, migrant farmers had to raise money to pay. Not many farmers could pay this amount from their own resources. Therefore, resorting to loans became inevitable to both men and women. The fate of those migrant farmers who have not been able to pay this 1,000 cedis levy remains uncertain. So despite the fact that documenting one's land rights could improve tenure security, when the process is opaquely designed, it can become a catalyst that will encourage extortion, exploitation, forced eviction and a source of tenure vulnerabilities.

4.4.2 Gendered implications of Granting of grazing rights to Pastoralists

The activities of pastoralists across the country also raise concerns about how granting grazing rights to herdsmen can disrupt social cohesion and undermine the land rights of others. There is growing incidence of land resource conflict and women are disproportionately exposed to the impacts. The activities of pastoralists, particularly from the Fulani ethnic extraction have historically played important roles in animal production in Ghana, especially in the northern part of the country. The Fulanis are skilful herdsmen who come from the arid countries in the northern parts of West Africa although they are widely dispersed across the sub region. Their activities in Ghana date back several decades. It has been reported that, in the 1940s, some chiefs from the northern part of the country mounted a recruitment drive to attract Fulani herdsmen into their communities. The arrangement was that, the Fulani pastoralist will train the local people on improved animal husbandry practices. In return, the Fulanis were to be given grazing rights (Tonah, 2005). In effect, there was a peaceful symbiotic relationship between the two categories of stakeholders.

These general dynamics have undergone some transition over the years as population pressures are rising. The means through which Fulani pastoralists are accessing grazing rights has changed. Pastoralists now have to pay cash or kind (such as agreed number of cows, goats or sheep) to chiefs and customary land holders in order to negotiate access. The relationship between Fulanis and local communities has been fragile in recent times. Several violent clashes which have resulted in the loss of lives and destruction of assets have been recorded on several occasions.⁵⁶ Indeed the presence of Fulanis in Ghana has been described as 'menace' and a 'security threat'.

Agogo and its various communities together constitute a major farming area in the Ashanti Region. Agogo is about 5 kilometres from Adomfe which was one of the case study areas for the field research. Agogo has become a popular destination for the activities of Fulani pastoralist in recent times. It is not clear what issues have resulted in this trend. Whiles some attribute this to the preparedness of chiefs to accept monies from pastoralists and grant them

53. Interview with Youth Leader, Adomfe 23/10/15

54. Group Interview with leadership of Youth Group, Adomfe, 23/10/15

55. Interview with a native women farmer in Adomfe, 22/10/15

56. <http://www.myjoyonline.com/news/2016/February-3rd/2-shot-dead-by-fulani-at-agogo.php>

occupancy and grazing rights, others speculate that the herds of cattle actually belong the chiefs and local influential actors⁵⁷ with the pastoralists only being caretakers.

It must be noted that, the chief of Adomfe has not granted land or permitted herdsmen to grazing their cattle in the community. However, as a result of the proximity, the activities of the herdsmen in Agogo occasionally spill over to the Adomfe community. The cumulative effect of the activities of pastoralist is exerting some considerable hardship on rural land users with women being the worse hit. First, when farms are destroyed as a result of the activities of pastoralists, women's ability to meet the responsibility of providing food for their households is severally hindered. When water bodies are contaminated by animals, communities become more exposed to water related diseases. Furthermore, there are various instances where pastoralists have reportedly subjected women to rape and other forms of sexual violations.⁵⁸ All these highlight the fact that corruption in the process of granting grazing rights to pastoralists means, there are little or no safeguards to protect the communities involved. This creates tensions and conflicts for communities and in the process exposes women to further vulnerabilities.

4.5 Documentation of land rights has a dual effect- it may strengthen women land rights but the process could expose them to exploitation

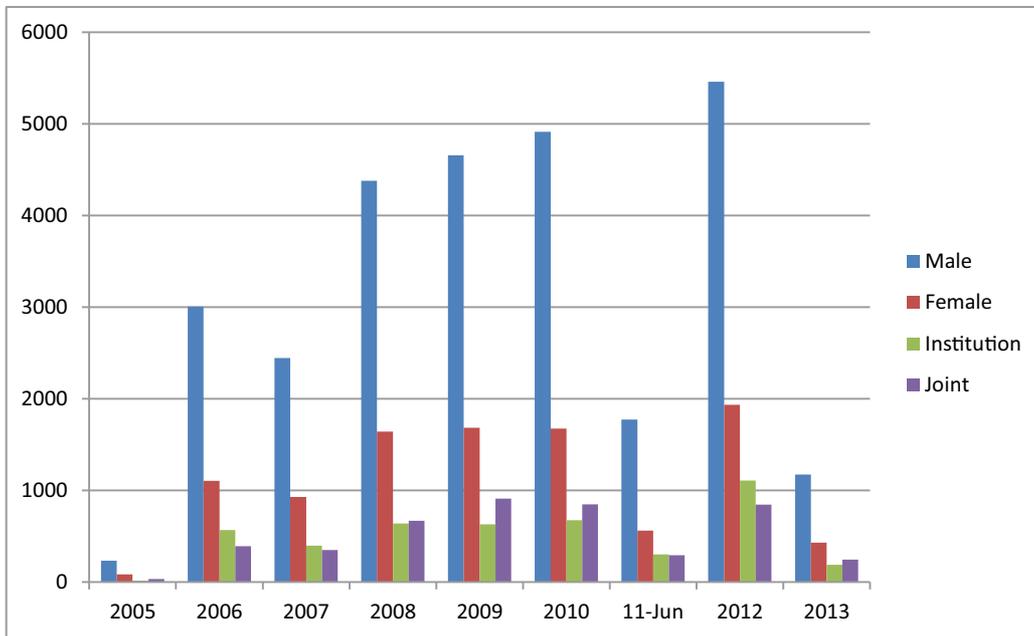
Land documentation is important because it can improve one's perception of tenure security. When one's land rights is duly documented by the appropriate institution, it can improve access to credit and improve investment. Significantly, such developments are important in helping to strengthen tenure security and reduce poverty. The Lands Commission is designated as the institution which should document individual's land rights and work towards sustainable land administration. However in practice, the activities of the Lands Commission have focused mainly on documenting the rights of individuals in more urban area and the rights of large land based investors in rural contexts.

The implementation of the Ghana Land Administration Project has improved the processes of land documentation. For example, the average duration for deed and title registration is presently 3 and 7 month respectively (see World Bank 2015) and this represents a considerable improvement of 2 years in 2003 (World Bank, 2003). Evidence as presented below also indicates that women are increasingly documenting their land rights. Indeed from September 2005 to March 2013, 21 percent of all registrations were in the name of women. Joint registration involving men and women constituted about 12 percent of all registration over the same period.

57. <http://www.classfmonline.com/1.8636564>

58. [Community arrest Fulani herdsman for rape](http://ghananewsagency.org/human-interest/community-arrest-fulani-herdsman-for-rape-27535) <http://ghananewsagency.org/human-interest/community-arrest-fulani-herdsman-for-rape-27535>
Fulani herdsmen rape wives before husbands at Agogo – woman alleges <http://edition.myjoyonline.com/pages/news/201109/73031.php>

Fig 14: Gender Disaggregated information of Title/Deed Registration under LAP (2005-2013)



Source: Ghana Land Administration Project, M & E, 2015

All these developments are welcoming. However, they have the potential to mask the real pitfalls which both men and women are exposed to in an attempt to document one's property rights with institutions such as the Lands Commission. Through the Ghana Land Administration Project, four previously independent land sector agencies have been merged with the view to improve coordination and efficiency in land documentation processes and other aspects of land administration. Yet the processes of documenting one's land rights remain poorly defined, cumbersome and largely driven by manual systems which are hard-copy based as opposed to improved technology. As a result, 'your documents are not likely to move unless there is a follow up by a trust agent'.⁵⁹ It has almost become a norm that at every stage of the land documentation process, monies are demanded by the officials or those wanting expedited services willingly pay bribe.⁶⁰ This helps to explain why some respondents who participated in the household survey were prepared to pay bribes to public officials despite the fact that no demands for such payments were made. In effect, 'leaving an envelope or putting a weight on your documents [when you want to register] has sadly become part of our land administration set up now'.⁶¹ What is equally worrying is the fact that almost every staff of the Lands Commission doubles as a private property agent. This means people are using official hours for private undertakings. Those who engage the services of these people are effectively paying them extra money for such officials to do what is infact their actual responsibility. This is abuse of an entrusted position for private gain and thus corruption.

59. Interview with official from OASL, Takoradi 5/11/15

60. Interview with Estate Agent/former staff of Lands Commission, Takoradi 5/11/15 Similar sentiments were expressed by officials of Lands Commission and OASL who were engaged in Tamale and Kumasi, 21/10/15

61. Interview with the Executive Director, Land Resource Management Centre, Kumasi 21/10/15

Attempting to follow up on your documents can be frustrating, even to people who are familiar with the works of the Lands Commission.⁶² This has naturally caused agents and middlemen to thrive. However, agents are effectively bottlenecks which increase the incidental cost of documentation. For example, in an attempt to fast track the process, an agent will normally make 'facilitation payments' to the public officials at the Lands Commission⁶³ and this is effectively bribe.

Both men and women engage the services of agents. However, the culturally created stereotype that 'land is a subject reserved in the male realm'⁶⁴ coupled with the fact that women have a range of responsibilities –work, cooking, child care, etc, means, more men than women tend to rely on the services of agents. Agents do not necessarily charge fees or extort money from clients based on gender. However, by examining the various determinants of charges as highlighted by very key stakeholders, the following were identified as the main factors:

- i. The value of the transaction and one's ability to pay;
- ii. How one perceives the security of their land right;
- iii. One's knowledge and understanding of the land registration process;
- iv. Urgency- how fast one wants the process to travel.

A sense of tenure insecurity often results in some level of desperation which in many instances will push the agent involved to demand more urgent and expedited services. Under these circumstances, middlemen tend to capitalise on one's vulnerabilities in order to demand unauthorised payments. In patrilineal cultures, women's land rights are largely insecure. This tends to raise the transaction cost for women because those who perceive their land rights to be insecure are under pressure to expedite the documentation process. Under the guise of speeding up the process, people in such situation are required to pay both official and unauthorised amounts to agents and middlemen. Therefore, despite the fact that agents and middlemen do not necessarily target women for exploitation, the fact that several of them tend to hold weaker land rights create the situation where women are more prone to paying more unauthorised fees in their quest to access services from the land sector agencies.

Another challenge which has become associated with the land documentation system in the country is falsification of land records. Falsification of records is essentially fraud, which constitutes corruption. Such falsifications range from petty ones to more grand property fraud. Personnel from the various state agencies which were engaged as part of the study cited several instances. For example, in Kumasi a story was told by one interviewee⁶⁵ of how a group of people, with the tacit support of some officials from the Lands Commission succeeded in forging a death certificate and other records to convince the Court of the demise of an individual who owned a number of properties. Based on this, the Court granted Letters of Administration to the applicants. With this clearance from the Court, the Lands Commission proceeded to effect changes which transferred the various properties from the original owners to those who fraudulently claimed to be successors in title. The details of this fraud were only uncovered when the original owner returned to Ghana after several years living abroad.

62. Interview with official OASL, Kumasi 21/10/15

63. Interview with Executive Director, Grassroot Sisterhood Foundation, Tamale, 30/10/15 Also confirmed by various interviewees

64. Interview with Prof John Bugri, 21/10/15. Also see Interview with the Executive Director, Land Resource Management Centre, Kumasi 21/10/15

65. Interview with official from the Lands Commission, Kumasi 21/10/15

A similar story⁶⁶ was told in Tamale where some officials of the Lands Commission used available property documents as a security to secure bail for an individual who was in Police custody. Worryingly, this was done without the knowledge or consent of the property owner. Although time constraints meant that these reported incidences were crossed with the relevant institutions, there have been several reported cases such as this (see the details of this case below):⁶⁷

Police CID Exposes Rot @ Lands Commission...Corrupt Officials In Double Land Registration

Divert Abbeyman Lands To Landline Properties Limited

Plate 7: News Headline – Fraud at Lands Commission

Another pattern of falsification of records within public land sector agencies which is of particular interest, especially to this project is the alteration of documents in the joint names of spouses. It was variously reported that land documents for spouses are in many instances registered as 'Mr and Mrs'. Joint registration of land documents can offer some layer of property to women, especially in times of divorce or demise of the husband. However, since every wife of a man is in principle 'Mrs', there have been cases where some wives have lost out because, husbands, with support of corrupt officials have simply replaced their picture on the land records with another woman. To avoid this, women are encouraged to use their maiden name for property registration, even if they are in legally recognised marital relation.

It must be noted that the Lands Commission in response to these well documented challenges have recently commenced processes to introduce the Client Service and Access Unit (CSAU)⁶⁹ which is effectively a one stop shop for land documentation. Per the design, any person seeking to document their land right is expected to present the necessary documents at the CSAU for screening. Presently, the CSAU has been established in 5 out of the 10 regions of Ghana. Once all the requisite documents have been presented, the fee involved is accessed and subsequently paid by the party seeking to document their land rights. After this the documents are deposited and the person registering the land is expected to come at an agreed date to pick the completed documentation. This is indeed a brilliant way of attempting to streamline the processes of land documentation in a way that tackles the entrenched issue of corruption. However, there are possible risks to this improved process.

First, the same staff of the Lands Commission who were previously benefitting for the porous institutional set up are the same people who are expected to drive this new process. Yet this CSAU will effectively plug all loopholes which created avenue for rent seeking. Under

66. Interview with official from the Lands Commission, Tamale, 28/10/15

67. <https://www.modernghana.com/news/566247/1/police-cid-exposes-rot-lands-commissioncorrupt-off.html>

68. This was confirmed by Dr Adiaba of the Lands Commission during the International Advocacy event in Accra on 10th November, 2015.

Prior to this, four officials from the Lands Commission (2 in Tamale, 1 in Kumasi and another in Takoradi had raised this issue)

69. <https://www.modernghana.com/news/652667/1/lands-commission-outdoors-customer-service-unit.html>

such circumstance, there is an inherent motivation for staff of the Commission to thwart the new and improved way of doing things. To avoid internal sabotage, the Lands Commission requires a set of actions. First, there is the need for a detailed risk assessment of the new approach in order to identify and map out clearly some of the possible hotspots which can undermine the CSAU concept. Secondly, the Lands Commission should be firm in sanctioning staff who may be seeking to undermine the new process in order to deter others. Finally, since the CSAU is expected to run mainly on electronic platforms, there is the need for continuous monitoring so that there can be rapid response in times of system break down.

REFLECTIONS, HIGHLIGHTS OF KEY FINDINGS AND STRATEGIES FOR ADVOCACY INTERVENTIONS**5.0 Introduction**

As a way forward, it is important to identify emerging best practices which can inform the design and implementation of future programmes to respond to the issues of women, land and corruption. In turn, this section attempts to synthesis the various findings in order to identify key gaps and strategies towards ensuring improving the current state of affairs through advocacy interventions. This chapter first identifies some of the emerging responses to bad land governance and corruption at the community level before reflecting on some of the key findings from the research. This then provides the basis to offer recommendations for advocacy.

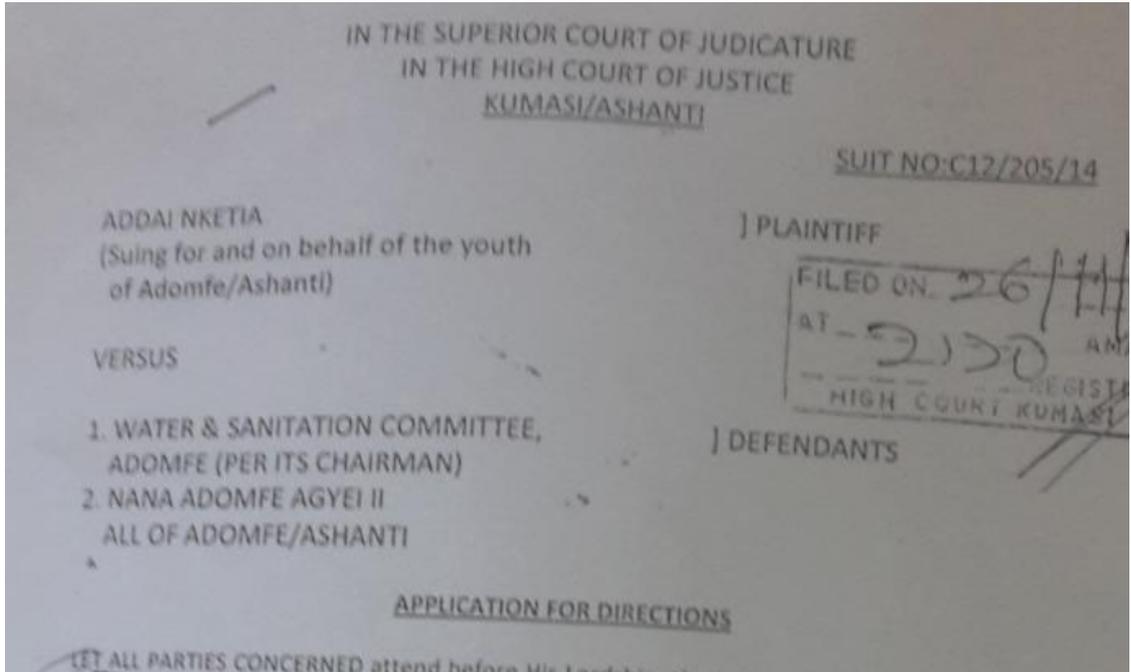
5.2 Towards Improved Land Governance- some emerging responses to corruption in land

Through the field level research it was established that there are various responses which are beginning to emerge at the community as part of efforts to deal with the increasing spate of corruption in Land. These are opportunities which anti-corruption agencies can leverage as entry point to push further for improved reforms for good land governance.

Youth in Adomfe sues Chief to Demand Accountability

Adomfe is endowed with a variety of natural resources which over the years have generated revenue. The chief has been at the helm for the past four decades and opportunities for transparency and downward social accountability have been rare, despite incessant demands by the youth and other stakeholders. The chief established the Water and Sanitation Committee to help in managing water resources in the area. This became important because one of the water bodies in the area was reported to have some medicinal potency which cured a range of ailments. Indeed there was a mad rush for the 'Adomfe Miracle Water'⁷⁰ and this brought in considerable revenue to the community. Yet neither the committee nor the chief was prepared to render accounts to the community. Having exhausted all available channels for amicable discussions with the chief and elders, the youth resorted to the Court to enforce the well-known customary principle that chiefs are custodians and trustees of communal resources.

70. <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/Mad-rush-for-Adomfe-Miracle-Water-342468>
<http://theheraldghana.com/miracle-water-recives-mad-rush-patronage-at-asante-akim-south/>



Evidence of the law suit against the Chief and the Committee

The impact from this suit has been welcoming. The chief requested an out of Court settlement and has subsequently commenced processes to render accounts and transfer monies belonging to the community, which are under his care, to an established Community Development Account which will be managed by elected councillors. In this way, revenue from the community can be used for the collective benefit of the people.

Establishing Women Groups can strengthen voice and improve tenure security

In this regard, the development in Wamale is illustrative. Wamale is about 7km south-east of Tamale. It is predictably experiencing some pressures from urbanisation as a result of the spill over from Tamale. As it has been heightened in the case of Savelugu, urbanisation tends to displace peri-urban farmers, who in many cases are women. The case of Wamale shows how forming groups can reduce the impact from such market driven displacements.

Through the intervention of Grassroots Sisterhood Foundation, a local NGO, women in Wamale were organised in anticipation that the land they were farming on in the urban periphery would be required for property development at a point. Therefore, a women group was formed to offer women some degree of protection . It appears that this strategy has worked to a large extent. For example, the chief of the area has reserved some parcels of land in the area specifically to be used for farming by women.⁷¹ Admittedly, as land values continue to rise, the various parcels which have been ring fenced for may eventually be allocated for property development. In anticipation of this, the chief of Wamale has gifted 50 acres land to the women group in Nanton, about 5kms away from Nanton for farming purposes. So far, this grant has not been documented, thus raising concerns that this land could be a subject of

71. Focus group discussion with women in Wamale, 30/10/15

contestations at a later date. When this development is contrasted with the scenario in Savelugu, it is clear that by organising themselves into a group, women in Wamale had group solidarity which was leveraged to reduce their possible tenure vulnerabilities.

Civil Society Organisations are providing various forms of support to relevant stakeholders

Various NGOs and CSOs continue to champion various aspects of development such as creating awareness and offering legal empowerment to voiceless and marginalised groups. Grassroots Sisterhood Foundation and Northern Accelerated Intervention for Development, for example, are two organisations which are actively working in Savelugu, Wamale and other neighbouring communities. Various interventions include periodic community meetings and sensitisation, public education on issues related to gender and land rights, the need to improve women's access to land and tenure security, gender mainstreaming in decision making process and female reproductive health among others. These are certainly some existing opportunities which can serve as a building block for subsequent advocacy interventions.

Customary Land Secretariats can play a critical role

There are 57 Customary Land Secretariats (CLSs) across the country and there are plans to establish additional 30 in the course of 2016. With their role as the formal land management wing of various customary land holding groups, CLSs can prevent corruption through effective records keeping to prevent multiple allocation of the same parcel of land. In Tamale, the Gulkpegu CLSs for example continue to partner state agencies and NGOs to collect and analyse gender disaggregated data, embark on public education on issues related to tenure security and women's land rights, among others. These are welcoming developments. It must, however, be highlighted that CLSs are currently operating at different levels of efficiency. In the more urban contexts where the land market is relatively vibrant, such as in Kumasi and Tamale, the CLSs are able to generate adequate revenue and they in turn engage people with the requisite skill to oversee the activities. In such areas, the CLSs function relatively better. This, however, sharply contrasts with developments across areas with relatively under developed land market. For example in the case of Savelugu, the Yoo Naa Land Secretariat was only established in 2014 and it is only gaining traction. Notwithstanding, the CLSs provide a broad network of support which can facilitate advocacy interventions.

5.3 Summary of Key Findings

The study examined a broad range of issues and the main findings are summarised as follows:

- Corruption is a complex concept, especially in the context of land administration. Bribery, extortion, abuse of discretion, fraud and favouritism are all forms of corruption. Significantly, all tend to manifest within the context of land. Furthermore, prevailing culture and customary practices may seem to provide some form of legitimacy for practices which may be mimicking corruption. Again, what may be culturally acceptable (such as the payment of drink money) can become corruption when the intended purpose of improving the community with such revenue is disregarded;

- Corruptions in the land sector is systemic and pervasive evidence from the household surveys as well as insights from the various case studies highlight that corruption is wide spread. For example about 1 in 3 persons who were surveyed had been asked to pay bribe and indeed similar proportion of respondents admitted to have made unofficial or unauthorised payments mainly to public officials;
- Those who perpetuate corruption do not necessarily target women. However, women tend to be disproportionately affected as a result of existing cultural disparities;
- Documentation of land rights is a double edged sword- it can strengthen land rights just as it can expose men and women, particularly women to become corrupt officials, agents and customary leaders;
- Rent seeking land holders are increasingly converting peri-urban lands from agriculture to property development. This unmanaged land use transition exposes more women to market driven displacement;
- In the patriarchal context, payment of compensation for the curtailment of land use right is highly gender insensitive and women are the main losers;
- The rubber boom in the Ahanta West District is weakening women's access to land and in the process turning more women from farmers to farm hands on the GREL Plantation;
- Existing cultural practices which inhibit women's access to land could have the unintended consequences of reducing women's access to agricultural inputs and tractors. In the process, women are more exposed to climate change vulnerabilities;
- People whose land rights have been violated face an uphill task of finding justice. This is because evidence from the household survey indicates that the same people (such as chiefs) who are likely to interfere with one's ownership or occupation are more likely to be the source such people will resort to for resolution of land related disputes. This is because engaging a lawyer could be expensive and many rural land users may not be able to afford;
- Large scale land based investments are dotted with several issues of bad land governance such as lack of meaningful community engagement, tenure insecurity and unfair benefit sharing among others. Both men and women may be affected by the impacts and outcomes. However, it is the livelihoods of women which are more endangered;
- Ghana has developed a set of Guidelines which in principle should help to improve the regulatory environment for large scale land based investments. However, provisions which enable investors to fund the activities of Lands Commission and other parastatals should be looked at critically in order to prevent the possibility of legitimately inducing public officials;
- According to the report prepared by the SIPA students, illegal mining remains pervasive and corruption is rife in this sector. There is frequent displacement of people, pollution of water bodies and the escalation of social vices as a result. Women are the bigger losers as

they are increasingly rendered landless with no meaningful alternative source of livelihood.

5.4 Recommendations for Advocacy

The study has established various ways through which corruption in land manifests and how these eventually exert disproportionate undesired implications for men and women, particularly women. As the eloquent Kenyan anti-corruption campaigner, Prof Lumumba has rightly observed:

'Those who engage in corruption love it.....even though the corrupt themselves admit it is a bad thing'⁷²

This means, we cannot easily wish corruption away. There is the need for concerted actions which are informed by evidence. Generic recommendations such as sanctioning those who are involved in corruption, educating the public about corruption to create a culture of integrity that demands accountability⁷³ are important in the fight against corruption. However, owing to the complexities and endemic nature of corruption in land, more targeted interventions are required, especially in responding adequately to how women are being squeezed as a result of land related corruption. In this regard, the following recommendations are made to help shape future advocacy interventions

Corruption in Large Land Based Investments

Corruption in large scale land deals has a complex configuration where the competing interests of political actors, private investors, elites, communities and traditional authorities converge. There are various interventions which are currently being implemented to ensure responsible land based investments. For example, the Ministry of Food and Agriculture, through the Ghana Commercial Agriculture Project (GCAP) has developed a Model Lease Agreement which among others is expected to ensure responsible land based investments. Various entities such as the Civil Society Coalition on Land (CICOL) have also been mounting public awareness of the various risks and hotspots of corruption in land deals.⁷⁴ The Lands Commission has developed and seeking to improve Guidelines for large land acquisitions. However, a controversial provision which enables prospective investors to pay for the cost of organising public hearings, which by extension includes funding some official activities of the Lands Commission and other parastatal organisations, could compromise the well-intended process. There is the need to unpack the exact incidental cost involved in the public hearing process. Any form of direct payment from the investor to state officials should be avoided to prevent what may be seen as 'legitimate inducement of public officials'.

The need to tackle bodies and systems which continue to institutionalise practices which are discriminatory against women

During an interview with the deputy regional gender desk officer in the Northern Region, she recounted an incident with one middle aged man. When this man was asked the question - will you allow your wife to own the land she is currently using? The reported response was that:

72. Speech by Prof P. L. Lumumba at the 3rd Anti-Corruption Convention in Kampala, Uganda; <https://www.youtube.com/watch?v=4cbEuwgKKqE> (20/02/16)

73. <http://www.weforum.org/agenda/2015/01/three-ways-to-end-global-corruption/>

74. Interview with the Acting National Coordinator, CICOL, 18/01/16

‘if I have land, it is my property. If I have a wife, she is my property. If I allow my wife to own land, it means my property is owning another property of mine and this is not normal’⁷⁵

Although this is a response from an individual, it nonetheless gives an idea how perceptions, especially in patriarchal contexts can raise the odds against women. When such deep-seated cultural issues are not tackled, they eventually make women even more prone to corruption. There is therefore, the need for action. It is important to disaggregate stakeholders and offer targeted awareness to chiefs, queen mothers and other stakeholders who are seen as gate keepers of culture. It is important to highlight to these stakeholders that any practices which undermine women's land rights are bad for inclusive development and shared prosperity. It is important to build synergies by liaising closely with various institutions such as Ministry of Gender and Gender Desk officers, Civil Society Organisation, academia and training institutions, etc, in order to sustain such interventions

Legal empowerment of communities and capacity building of grassroots organisations

Accountability must be demanded in order to be realised and community awareness of corruption in land is equally important. There is the need to tailor legal empowerment strategies which will equip communities to effectively respond to land related corrupt practices and their effects in their respective areas. Such empowerment interventions should aim at ensuring that men and women, particularly women, have a meaningful voice in land related deliberations as well as access to land related benefits. These have the potential effect of improving tenure security and livelihoods of women.

Identifying and building the capacity of local/community based organisations which work on land and women/gender issues is equally important in sustaining such legal empowerment interventions. Under WLCA Project, Risk Analysis, Assessment and Mitigation training was organised for relevant bodies. This is commendable and similar events should be prioritised in future.

Corruption in the distribution of farming inputs and agri-services

Culturally, women have access and control over relatively smaller parcels of land. This naturally has implication for productivity, especially in the context of dwindling soil fertility and climate change. When women's access to farming inputs and services are further undermined as a result of the gendered processes of access and control, the implication can predictably be grave. There is the need to tackle this issue holistically. First, there is the need for affirmative action which will ensure that women are part of committees and bodies which are responsible for allocation tractor and farm machinery as well as inputs such as seeds, fertiliser and pesticides at the local level. Such representation of women in decision making bodies can improve the voice of women in order to help address this challenge. This issue of uneven access to inputs and services should be highlighted to the Women in Agricultural Development of the Ministry of Food and Agriculture. Possibly, this could induce meaningful policy response. Advocacy interventions should also target private agri-business and service providers on the need to prioritise women in their business operations. This indeed can be seen as some form of corporate social responsibility to their communities.

⁷⁵ Interview with Deputy Regional Gender Desk Officer, Tamale, 29/10/15

Re-focus, strengthen and decentralise the Advocacy and Legal Advice Centre concept to provide a responsive channel for tackling land related corruption

The Advocacy and Legal Advice Centre (ALAC) was established by TI and GII to put in place a mechanism to enable victims and witnesses of corruption to properly lodge their complaints. So⁷⁶ clearly, ALAC has 'curative or reactive focus' – thus to provide a possible pathway for redress for victims of corruption. It is, however, argued that timely flagging developments, which can result in corruption in the land sector, can be critical catalyst in the fight against corruption in the sector. Accordingly, it is recommended that ALAC should be re-focused in order to provide opportunities to prevent corruption. By liaising closely with partners at the regional level, GII can establish dedicated ALAC wings at the regional level in order to ensure more expedited responses to reported cases of corruption. Setting up and popularising social media platforms should be explored in order to effectively tap into the opportunities they offer.

A revitalised ALAC could further be supported through Mobile Land Administration Clinics. A Mobile Land Administration Clinic is expected to be comprised of people with expert knowledge in land administration, law and dispute resolution who will visit communities in order to listen and provide expert advice on a range of land related corruption activities in the area. This could have the dual impact of resolving disputes and legally empowering the community.

Identify, document and highlight some best practices, especially those emanating from community level

Success stories from one community can provide inspiration and the impetus for other communities which have similar challenges to act. When communities' efforts to ensure accountability and combat corruption are recognised, it can serve as an inherent motivation for them to sustain their actions. When the youth group that sued the chief and the committee at Adomfe realised that their act could possibly be cited elsewhere as a good example, one of the community members remarked 'we will continue to until things are done well in this community'.⁷⁷ This gives the indication that recognising best practices boost communities' question in the fight against land related corruption.

Working consciously to realise and sustain the promise of the CSAU of the Lands Commission

The newly introduced Client Service and Access Unit at the Lands Commission has the potential to remove existing bottlenecks which cause corruption to thrive in land documentation processes but an institutional culture change is critical to sustain any possible gains.

Advocate for a policy on rubber production

A clear policy direction is required to counterbalance possible gains and imminent threats which are associated with the surge in rubber production in order to mitigate the increasing spate of landlessness and food insecurity, particularly for female headed households. GII should take the lead by liaising with the Ministry of Food and Agriculture and allied agencies

76. <http://www.tighana.org/programs/alac/>

77. Group Interview with Adomfe Youth, 23/10/15

in order to develop policy safeguards and the needed level of awareness which will help to tackle the issue of landlessness, livelihood loss and looming food insecurity challenges in the rubber growing areas.

The Need for action on illegal small scale mining

The work of the SIPA students identified that the often neglected social cost of illegal small scale mining (galamsey), particularly for women, is equally disturbing, just like the impact on the environment and appropriate policy responses should tackle the menace more holistically. Advocacy should prioritise the need to highlight the social implications of this practice, especially for women. This could create the needed buy-in and momentum for the much needed improved regulatory environment.

Further Research

Under the WLCA Project, two separate but related studies were conducted in order to provide evidence based on which policy recommendations and advocacy interventions will be developed. This is welcoming. However, considering the extensive scope of corruption and land, many more areas could still have been covered. For example, what are the implications of Ghana's oil find for women, land and corruption? What are the gender dimensions in accessing justice through the formal court system, particularly relating to land cases? Future research should be directed at exploring these and other related issues

5.5 Conclusion

Corruption in any form is bad for meaningful development. This is even more relevant in the context of land which serves as the source of livelihood and social identity in many agrarian countries. Evidence from the baseline survey has highlighted that corruption in the land sector is pervasive, largely because good governance principles which are expected to provide safeguards are largely absent in the land administration discourse. For example there is limited opportunity for public consultations in the processes leading to the grant of large land for commercial agri-investors. Corruption in land creates tenure insecurities, suppresses the voice of stakeholders and encourages elite capture of benefits, to the detriment of the broader community. Evidence from the study indicates that, perpetrators of land related corruption do not necessarily target women. However, existing socio-cultural stereotypes tend to render women more prone to becoming victims of corruption. Furthermore, women are disproportionately hit by issues of corruption in land. Therefore, to ensure inclusive development and shared prosperity, there is the need to tackle the issue of corruption in land from a feminist lens, a development that justifies the need for the WLCA Project. We need collective action to build the needed momentum to effectively respond to the complexities of corruption in the land sector. To succeed, there is the need to implement various strategies and approaches. By basing on evidence from the survey, several recommendations have been proffered to help address corruption and its impact on women.

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