

LAND RIGHTS AND VULNERABILITIES IN THE KETE KRACHI PILOT CUSTOMARY LAND SECRETARIAT AREA

FINAL REPORT

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EXECUTIVE SUMMARY

Land tenure issues remain firmly on the development agenda of the country because of the importance of land and tenure security for the achievement of sustainable livelihoods and poverty reduction. The National Land Policy of 1999 and the Land Administration Project (LAP) are important developments in the history of Ghana. 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. One of the strategies used by LAP is the establishment of pilot Customary Land Secretariats (CLS). This study's aim is to delineate the land rights and vulnerabilities in the Krachi Customary Land Secretariat area. The study seeks to provide background information of land tenure in the area and an evaluation of the concept which will have benefits for refining policy instruments and administrative practices needed to make the LAP a success.

The main objectives included:

- Identify the key traditional institutions that are involved in the management of lands and natural resources in Kete Krachi.
- Identify various traditional arrangements other than leasing systems that exist in the area
- Identify the origin and types of rights and their relevance in the current pattern of socio-economic change in the area.
- Examine the secondary rights used to secure land within the catchment area, and an analysis of the level of security or vulnerability associated with such rights
- Provide a typology of land rights, the ownership patterns, and an analysis of how they are created.
- To assess the rate of conversion of agricultural lands to urban use and discuss the impacts of on different socio-economic groups.
- To assess the level of awareness of the CLS in the paramountcies and the degree of acceptability of the procedures of the CLS by different socio-economic groups.
- Identify barriers that people face in registering claims, in accessing the benefits of the CLS in resolving disputes and in increasing security of their rights
- Assess the volume of transaction of the various forms in the area and therefore guide in ascertaining the volume of work that the secretariat will be performing
- And finally, identify areas of community interest for protection in the land use planning process and dialogue with the community on measures for the protection

The data used in this study is predominantly primary in nature with background information coming from secondary sources. The primary data collection involved two field

trips. The first was a reconnaissance survey to gain fair insight into the issues to be investigated. Informal discussions were held with various stakeholders including traditional and government office holders. The substantive issues were investigated during the main field trip using a survey instrument for quantitative data and group discussions and individual interviews for qualitative data. These discussions centred on the origin of claims to land, traditional management systems, mechanisms for access to land and terms of usage, changes in land use and their socio-economic impacts, and extensive deliberations on the CLS eliciting their consent, concerns, desires, fears and suggestions.

The findings showed that customary land tenure practices were changing rapidly in accordance to demographic, market and cultural influences. This has repercussions for the implementation of the CLS concept in terms of being both a threat and an opportunity. Key findings include:

- The main traditional institutions responsible for land management in the Krachi CLS are the chieftaincy system, clan/families and to a limited extent chief priests of deities in the various traditional areas. The origins of claims to land ownership were first occupation and clearance of land. In this respect there are instances of competing claims on same piece of land, prominent of which are the disputes between the Atwode and the Nanumbas in Nkwanta North district and between Atwodes and Chalas in Nkwanta town. The traditional arrangement for access to farmland for indigenes is through their clan/family heads. The Krachi CLS area is dominated by chieftaincy and family owned patrilineal system. Males farm on lands their fathers and grandfathers used to farm on. Females have access to their husbands' lands as well as that of their own fathers but through their brothers. Strangers access land through their landlords who normally lead them to their village chief/head of clan/family. Drinks and or drink money is presented to the chief/head of clan/family for customary rites to be performed before the stranger begin farming on the allocated land.
- Rights to land in the Kete Krachi traditional area can be conveniently categorized into primary and secondary rights according to the source of the right. All indigenes have a birth right to land which constitutes their primary rights. Secondary rights are derived rights obtained from primary right holders. Land fragmentation, and the desire for specific biogeographical conditions and migration, account for the necessity of obtaining secondary rights. These are often in the form of share-crop arrangements, renting, leasing, and contracts and borrowing. Theoretically, all people under stool lands are ONLY land users and not owners. Primary rights preclude the right to transfer land which is an important component of security of land ownership. Women's rights to land are tied to male members of the community. The more abundant land is the unlimited rights women have and vice versa. Migrant

communities are experiencing a gradual erosion of their pseudo-primary rights as these are transformed into unsecure secondary rights under pressure from commodification and population pressure. Secondary rights to land are used by all groups of people be they indigenes or migrants. Borrowed lands are the most unsecure with several limitations with the most important being inability to cultivate perennial crops. Leased lands are more secured than borrowed lands. Share-cropping arrangements have clearer rules and guarantee the tenant his fair share of agreed output though is exploitative. Different groups of people suffer different levels of vulnerability. Indigenes have more certainty and protection than migrants.

- The current socio-economic conditions have led to conversions of agricultural lands for housing construction and the provision of social services and infrastructure. Generally conversion rates have been low in the entire area. Spatial and socio-economic differences in conversions between the studied areas and the different land users were minimal. In all respects, male dominance and the prominence of Krachi West in these conversions were clear. Due to population pressure the bush fallow system is giving way to intensive cultivation. Market-driven demand has led to specialisation in crops such as yams, cassava and oil palm. Land degradation has led to the abandoning of cocoa cultivation.
- People's awareness of the existence of the CLS was found to be very low and beyond Krachi town and its immediate environs very little is known about it. The poor level of awareness has also resulted in lack of knowledge of its specific roles and functions. Therefore dealings with it have also been poor even though the CLS concept was generally accepted as a very good and relevant with capacity to assist with improvement in land management and administration in the area.

Recommendations: There are still many sticky issues that need to be ironed-out between different communities regarding multiple claims and boundary demarcations. A standard is needed in guiding land transactions of families, indigenes, migrants and women. The CLS is especially relevant to help traditional authorities fashion out modern responses to modern problems. To do this the office has to be decentralised and its manpower strengthened to engage in sensitization and subsequent registration of interests by helping communities to plan and design basic rules of land administration guided by national level land policies.

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CHAPTER ONE: INTRODUCTION

1.1: Introduction

The National Land Policy of 1999 and the Land Administration Project (LAP) are important developments in the history of land administration reforms in Ghana. They provide a new sense of direction after decades of debates on land tenure problems and discordant remedies proposed by different schools of thought. 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. This will be achieved through the implementation of a long term (15-25 years) land administration reform programme. The Ghana Land Administration Project (LAP) is the first phase that would lay the foundation for implementation of this long-term land administration reform. The specific objective of the project is to develop a sustainable and well functioning land administration system that is fair, efficient, cost effective, decentralized and that enhances land tenure security. It would seek to (a) harmonize land policies and the legislative framework with customary law for sustainable land administration; (b) undertake institutional reform and capacity building for comprehensive improvement in the land administration system; (c) establish an efficient, fair and transparent system of land titling, registration, land use planning and valuation; and (d) issue and register land titles in selected urban and rural areas as a pilot to test (b) and (c) above and innovative methodologies, including community level land dispute resolution mechanisms (LAP Appraisal document).

The major problems and constraints of the land sector in Ghana are adequately identified by the policy document to include: the general indiscipline in the land market; indeterminate boundaries of customary owned land; compulsory acquisition by government of large tracts of land which have not been utilized; inadequate security of tenure due to conflicts of interest; difficult accessibility of land; a weak land administration system; lack of consultation with land owners and chiefs in decision-making for land allocation; lack of consultation, coordination and cooperation among land development agencies; and inadequate consultation with neighbouring countries in the management of international borders.

These problems have undermined national and international investor confidence in the land and other sectors of the economy. This called for the establishment of an efficient land

sector to restore investor confidence and provide security of tenure to all users and occupiers of land. The programme will therefore enhance economic and social growth by improving security of tenure, simplifying the process of acquiring land by the populace, developing the land market and fostering prudent land management by establishing an efficient system of land titling, registration and administration based on clear, coherent and consistent policies and laws supported by appropriate institutional structures (Land Administration Project). Its goal is to ensure equity in land allocation and holding and maintain a stable environment for sustainable social and economic development (Ministry of Land and Forestry 1999). The four areas selected for piloting- systematic land titling, boundary demarcation, establishment of customary land secretariats and decentralisation of land administration services, have implications for reducing corruption, red-tape and inefficiency.

The current Project, which intends to study land rights and vulnerabilities in the light of the introduction of the Customary Land Secretariat (CLS) in the Krachi districts is therefore an important evaluation of the concept which will have benefits for refining policy instruments and administrative practices needed to make the LAP a success.

1.2: Background

Land tenure issues remain firmly on the agenda because of the importance of land and tenure security for the achievement of sustainable livelihoods and poverty reduction. Land is an asset that has very wide economic, cultural, social and individual significance. Ensuring efficient land delivery to serve the economic and social needs of the citizens of a country is one of the most pressing issues of national development in sub-Saharan Africa. However, land management in Ghana is characterised by a complex tenure system which is shaped by both customary land laws and the British conveyance system (Larbi 1995). There are grave difficulties with land management, particularly in urban areas and their fringes or peri-urban areas in many of the major cities in the developing world particularly in sub-Saharan Africa. The commoditisation of land in urban and peri-urban areas, the increase in token values for farm land, the recall of lands by land owners, the increasing inaccessibility of land to some social groups and the conflict-ridden and growing land markets are some of the features of contemporary tenure relations in Ghana (Adams et al. 1999; Abdulai 2002; Kasanga 2002; Aryeetey et al. 2005). Skewed land ownership distribution and discrimination according to gender or ethnicity limit economic opportunities for disadvantaged groups and provide fertile ground for social conflict which often results in violence (Gough and Yankson 2000). The

growing land tenure problems and struggles over land in Africa have been attributed to the legacies of the colonial period (Kasanga and Kotey 2001; ECA 2004)

Since the colonial period, there have been efforts at land reform, whether wholesale or of the more piecemeal and incremental type. These efforts have called forth an array of forces and interests which debated and took different positions on the reforms. The debate between the evolutionary approach and the communitarian approach (Amanor 2002; Awanyo 2003) has largely been abandoned in the face of reality. There now appears to be a consensus that incremental reforms as opposed to revolutionary measures such as nationalisation would meet the approval of the population (Aryeetey, et al. 2007). The National Land Policy is the first comprehensive document to bring together the merits of the different approaches in tackling the reality on the ground. Currently, land administration is being piloted through a Land Administration Project (LAP). Four areas were selected for piloting- systematic land titling, boundary demarcation, establishment of customary land secretariats and decentralisation of land administration services. Central to this project is the delineation of boundaries and registration of interest which are pivotal in all land disputes and transactions.

In keeping with decentralising land documentation and making services readily accessible to the public the pilot community land secretariats were established. CLS would provide a database on land ownership which has multiple benefits in terms of eliminating conflicts, enhancing security, broadening rights to land via formal transaction and generally encouraging both national and international investments in land. However, improper diagnostics and consultations with stakeholders had created difficulties for the implementation of the CLS. It is therefore important to investigate the conditions in various places in order to tune the operations of CLS in line with socio-cultural norms and practices; to investigate the bottlenecks that prevent various socio-economic groups from accessing these services; to investigate how its operations could eliminate discriminations that vulnerable people face under current customary practices; and finally recommend measures that would lead to community acceptability, equity, cost-effective and efficient services provided by CLS (Ministry of Land and Forestry 1999; Ministry of Lands and Forestry 2001). However, as it can be seen from the above, the purpose of CLS is broad and that rights and vulnerability studies can be considered as an aspect of the broad domains/issues that the CLS is expected to handle.

The Kete Krachi CLS area is dominantly rural with agriculture being the most important economic activity. It falls within the forest-savannah transitional zone thereby enjoying the

benefits of both climatic regimes. The area is blessed with fertile soils that make the commercial cultivation of yams, maize and rice possible. The major tribes are the Nchumuru, followed by Krachi, Konkomba, Ewe, Basari and Kotokoli. The existence of different tribes with different settlement dates has serious implications for the land ownership systems among families, clans and tribes. The communal ownership of land with chiefs and family heads having the allodial title reigns in this area. Some tribes only have usufructuary rights, but these could be changing as a result of long periods of domicile. Potential conflicts are envisaged when land becomes a monetary commodity. Two dimensions to the land tenure system can be discerned; the cultural dimension where social norms and institutions define access to land and the economic dimension where commercialisation of yam, maize and rice cultivation generates a new demand and market logic within traditional norms. With increasing market-driven demand for agricultural lands, the rules of tenure are said to evolve from traditional inheritance systems and social networks to market systems and exchange mechanisms. The endurance of traditional institutions is therefore contingent on several factors such as distance from point of radiation of capitalist forces, land availability or man-land ratios, cultural mix among others. The evolving customary rules and practices need to be understood in order to provide useful insights into the relevance of the rights structure on current patterns of socio-economic change. Land rights from the above delineation is not only prime to poverty and vulnerability reduction, but also its historical evolution as African society interacts with capitalist forces, as environmental quality declines and population pressure mounts is relevant in guiding contemporary policy on land tenure relations. The proposed research is aimed at addressing these issues. It is driven by some key research questions and these were:

- What traditional institutions regulate land management and how are these varied among the different groups in the area?
- How are various land rights negotiated, and what levels of security are associated with the different mechanisms of access to land?
- What is the level of awareness and degree of acceptability of the concept of CLS?
- What hinders the smooth operation of the CLS in terms of registration, dispute resolution and fairness among different gender and other social groups?

1.3: Research issues

1.3.1: Evolving customary systems: the dynamics of land ownership and access to land

In Sub-Saharan Africa, problems of social inequity and conflicts are invariably intertwined with land tenure insecurity, including conflicting claims over land, unequal access forms to land and natural resources. The principle of communal ownership with elders and chiefs holding land in trust for their populace is under severe attack by the forces of modernisation that is transforming traditional society to a capitalist one linked to global markets. Changes in the Ghanaian economy mandated by colonialism moved in tandem with changes in tenure systems and social relations. Benneh (1970) traces the commodification and individualisation of land among the Akan as resulting from the introduction of cash crops especially cocoa. This trend is said to have destroyed the solidarity of clan members inherent in the traditional land tenure system. Increasing commodification of land can only exacerbate competition over land and so intensify causes for division within families (Peters 2002).

Land is being commoditised, inheritance patterns are twisted, monetisation is on the rise and power positions are becoming all the more pervasive in accessing and distributing productive resources (Yaro 2002). Structural adjustment can be argued to impact on land tenure systems both directly and indirectly. Directly, the expanded and new opportunities for commercial agriculture in traditional export crops, non-traditional exports and staple food production has resulted in a market-driven pressure on land translated into higher values for land. Also, the adjustment directly advocated private property as against public and communal property which it argues are not productive (Manji 2003). Hence, the land title law of 1986 which puts in place a procedure by which land owners are to register their interest is not just a coincidence, but also a deliberate attempt to test the thesis that private secure tenure is inherently linked to high productivity. The Land Title Registry Law 1986 (PNDCL 152) provided a machinery for the registration of title to land and interests in land. Indirectly, structural adjustment has opened new vistas for non-farm activities especially in peri-urban service industry, which consequently leads to demand for land and thereby raising the value of hitherto agricultural lands. It is precisely in this lucrative urban land markets that contestations are rife with many losers both among the dispossessed peasantry and prospective purchasers.

Land markets are now developed across the length and breadth of Ghana, but the imperfections and speculations associated with land transactions are a major drawback. It is therefore important to assess the various ways through which structural adjustment and post-structural adjustment policies have contributed to the mutations in the customary land tenure systems and how these changes have impacted on different socio-economic groups in society. Current land rights and mechanisms for accessing land are ultimately defined by the wider-political, environmental and economic condition of the country. An assessment of the interactions between local-national dimensions is advocated and pursued. Delineating the current typology of land rights, ownership patterns and an analysis of how these have been carved would constitute a major objective of the study.

1.3.2: The need for land administration reform: Regulation, documentation and law enforcement

There is an urgent need for a reform of land administration in Ghana. Land reforms have numerous advantages in terms of allowing access by vulnerable people to land, increasing security of tenure, increasing productivity, and ensuring sound environmental management. Prosterman and Hanstad (2003) conceptualise some of the benefits of land reform as; ladders out of poverty; grassroots empowerment towards democratic societies; reduced social unrest and instability; reduced out-migration; better environmental stewardship; and, creation of wealth. In sum, secure and stable access to land provides a foundation for better livelihoods and living conditions. The LAP programme seeks to achieve these laudable objectives. But like many other well-intentioned projects it is bound to face several challenges in the human and technical spheres. Not much has been written about the LAP programme since it is new and under experimentation.

The politics of the LAP, that is the different interests involved in it such as the influential role of chiefs, strengthened by certain provisions in the constitution about traditional lands, its substantive proposals and the concerns which have been raised about their implications for persons with weaker interests in land such as women, tenant farmers and young people, and how the LAP is responding to these issues and its processes of consultation are important issues that need close attention.

The FAO (1985: in Aryeetey et al. 2007) made a series of useful recommendations about achieving objectives as contained in the LAP. These focused on how to minimise

litigation in customary land systems, how to increase the security, terms and duration of customary tenancies, the size of land grants, public acquisition of land and the problem of landlessness and improving land administration. It was recommended that share cropping tenancies be replaced by cash tenancies and that this be done by legislation which is simple, clear cut and capable of being enforced by the action of the parties. Also, that rent should be inserted in written tenancy agreements which are to be revised every five years; no restrictions should be imposed on the crops that tenants are allowed to grow; minimum duration of tenant fixed by law according to the period needed for a full return on each type of crop; tenants should not be evicted before contracts have ended unless they do not pay rent or do not develop the land for at least five years. To forestall concerns about the sizes of land given away by chiefs, there were recommendations about enforcing size of land restrictions in the law. There were also recommendations about credit to farmers to protect them from losing their lands through indebtedness. These recommendations have all been shelved in favour of a laissez-faire system informed by neoliberal ideology.

The CLS concept needs support from the state, communities and allodial title holders in order to achieve its objectives. The degree to which people are aware of its existence, potential benefits and equity objectives is prime to its successful implementation. What is the level of publicity? What negative tendencies have been associated with its pilot implementation? And what is the response of the local people and migrants? Meeting the challenges emerging from the pilot studies is crucial to achieving the objectives of the LAP and making the land policy a reality.

1.4: Research objectives

The current project studies land rights and vulnerabilities in the light of the introduction of the Customary Land Secretariat (CLS) in Kete Krachi as an important step towards refining policy instruments and administrative practices needed to make the CLS under LAP a success. In achieving this goal, the following objectives are pursued:

- Identify the key traditional institutions that are involved in the management of lands and natural resources in the Kete Krachi CLS area.
- Identify various traditional arrangements other than leasing systems that exist in the area
- Identify the origin and types of rights and their relevance in the current pattern of socio-economic change in the area.

- Examine the secondary rights used to secure land within the catchment area, and an analysis of the level of security or vulnerability associated with such rights
- Provide a typology of land rights, the ownership patterns, and an analysis of how they are created.
- To assess the rate of conversion of agricultural lands to urban use and discuss the impacts on different socio-economic groups.
- To assess the level of awareness of the CLS in the paramountcies and the degree of acceptability of the procedures of the CLS by different socio-economic groups.
- Identify barriers that people face in registering claims, in accessing the benefits of the CLS in resolving disputes and in increasing security of their rights
- Assess the volume of transaction of the various forms in the area and therefore guide in ascertaining the volume of work that the secretariat will be performing
- And finally, identify areas of community interest for protection in the land use planning process and dialogue with the community on measures for the protection

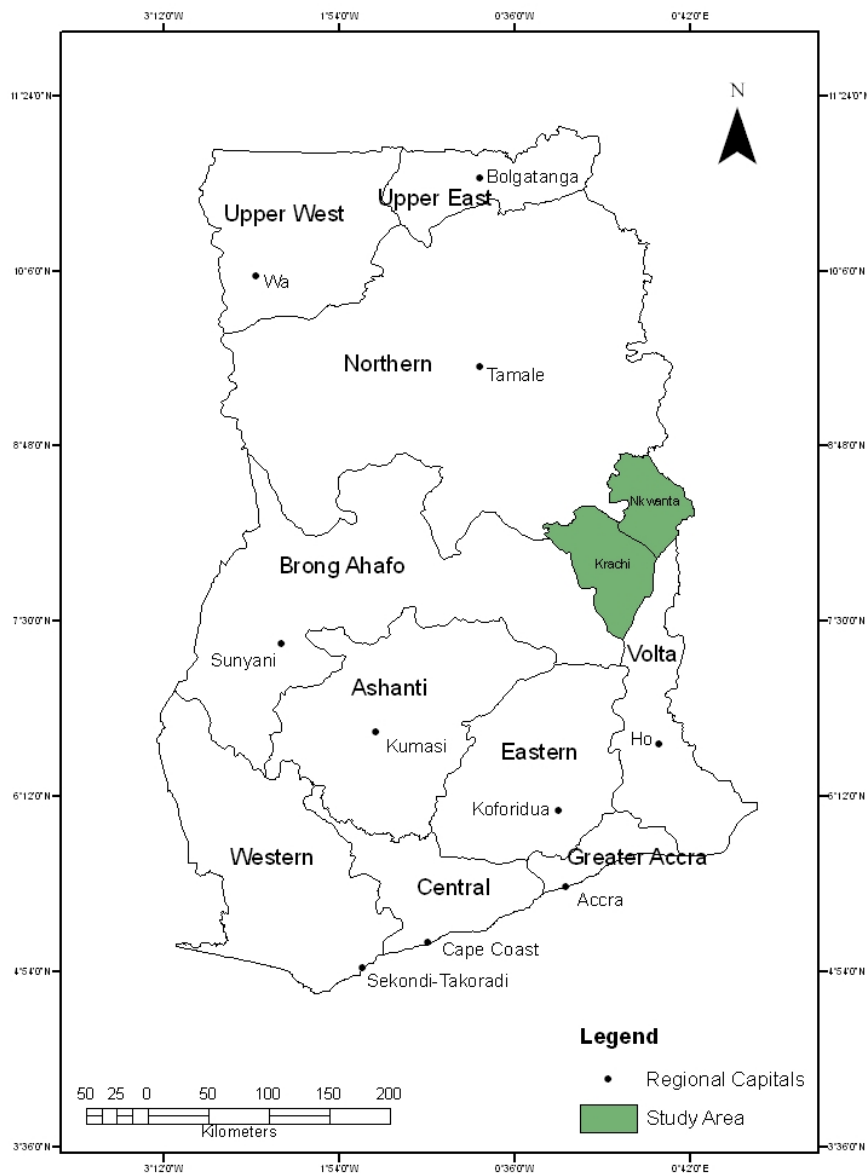
1.5: The Data for the study

The data for this study mainly comes from primary sources with complementaries from secondary sources relating to background information. The descriptive, evaluative and prescriptive nature of our objectives demanded an in-depth understanding of the situation from the perspectives of all actors in the study area. Since the study area is new to us we divided the fieldwork into two phases; the reconnaissance survey; and the main field work described below. (See Figure 1 for Map of Ghana Showing the Krachi Customary Land Secretariat Area)

We undertook a reconnaissance fieldtrip to gain fair insight into the issues to be investigated. We first visited the Kete Krachi West District between the 27th and 29th of May and then moved to the Kete Krachi East District between the 29th and 1st of June 2008. We spent a total of five working days in both Districts holding discussions, visiting villages and government agencies. In the Kete Krachi West District the research team held discussions with the official of the Customary Land Secretariat, a group of chiefs, individual discussion with two divisional chiefs, the District Chief Executive, the Budget Officer of the District and Head of the Town and Country Planning Department. The reconnaissance phase provided an insight into the issues to be researched, the challenges anticipated and the planning for the major fieldwork. The aim of the reconnaissance survey was to find preliminary answers to some of these objectives with the aim of guiding the main research work in terms of who,

where, and what issues to discuss. Mr. J. B. Donkor, who is the officer in charge of the CLS, educated us on the activities, acceptability, challenges and difficulties facing his outfit. We held discussions with four sub-chiefs in Kete Krachi (Nana Adontenhene, Nana Tufohene, Nana Akwamuhene, Nana Benkumhene) during which a general overview of the landownership regime and tenure security issues were detailed.

Figure 1: Map of Ghana showing the Krachi Customary Land Secretariat Area

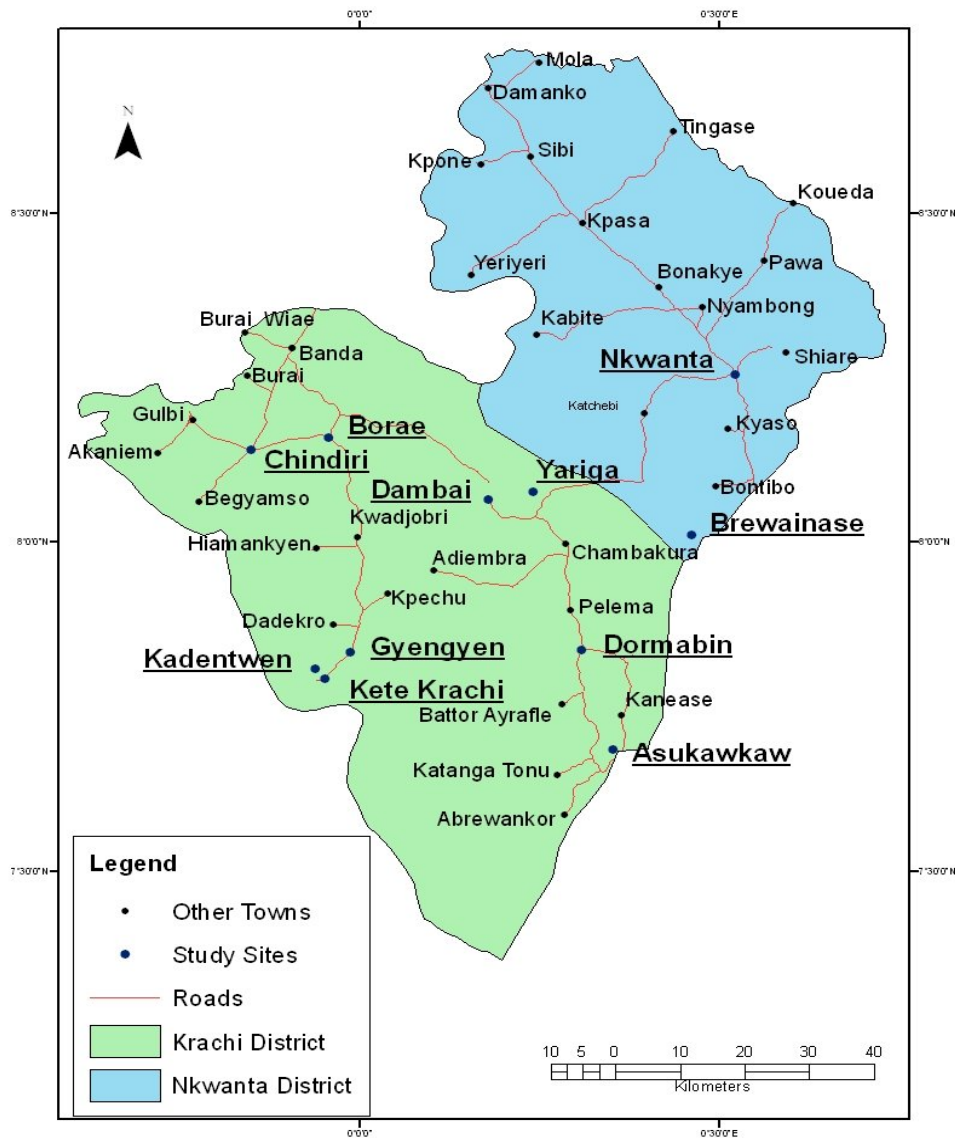


The chiefs were optimistic and happy with the opening of the CLS office and wished that it was operational to check the current chaos in land transactions which they foresaw could lead to future conflicts relating to people asserting ownership rights. We also held discussions with Nchumuru chiefs of Borae and the Papatia who control the Chunki and the Tsaitsai divisions respectively. The Nchumuru area is poorly covered by the CLS as only the chiefs knew of the CLS office while their members were yet to be organised and sensitised. Discussions were also held with the Chief Executives of the Krachi West and East Districts, who expressed joy that at long last the CLS was being taken seriously. They reiterated the confusion over their urban lands and assured the Assemblies support and collaboration in order to make the CLS a success since it is a solution to the looming future chaos. Other officials such as the Planning and Budget Officers were interviewed and a copy of each district's development plan acquired. We did not include Nkwanta district during this phase due to logistical problems.

The main fieldwork was undertaken between the 3/10/2008 and 18/10/2008 in Krachi East, Krachi West and Nkwanta districts. Based on multiple criteria for selection of research sites and in combination with suggestions from the officer at the CLS, the DCEs, a Head Teacher at Dambai and Head of the Town and Country Planning Department at Kete Krachi, a number of villages were selected in addition to the major towns for carrying out our survey and qualitative interviews. The criteria for selection of sites included the level of urbanisation and rurality, representation of principal tribal groupings, settler communities, occupational diversity (fishing and farming), and resettled versus original settlements (See Figure 2 for selected research sites).

For the survey, a total of 12 research assistants in addition to three coordinators were involved in the administration of the instrument. In all districts a training session was held for both coordinators and assistants. Language differences required the use of different research assistants in each of the areas. Also, inhabitants were more comfortable with someone from their community rather than a visitor from the next community which led to the withdrawal and replacement of one of the assistants. It was planned to administer a total of 400 questionnaires.

Figure 2. Study Sites in the Krachi Customary Land Secretariat Area



On the average fifty (50) questionnaires were to be administered in each of the three urban locations i.e. Kete Krachi, Dambai and Nkwanta and twenty five (25) in the remaining settlements except in Boraie and Chindere where the number of interviews was increased to make for a reduction in the number of settlement planned to be covered in Krachi West District. The final number of interviews and other activities in the study sites are shown on Table 1. The target groups included people with dealing in land generally, be they tenants or landlords. A spatial sampling technique was adopted whereby settlements were divided along

the existing dominant sections. The number of sections dictated the number of questionnaires to be administered in each section. In the urban areas, households with little to do with land were purposively avoided to reduce non-response.

Table 1: The Research Sites and Research Activities

Districts	Settlements Covered	Activity Carried out		
		Questionnaire survey *	FGD (No. of FGDs)**	Indepth interview with chiefs and elders ***
Krachi West	Kete Krachi	Yes (51)	Yes (1)	Yes (1)
	Borae	Yes (40)	Yes (1)	Yes (1)
	Chindere	Yes (38)	No	Yes (1)
	Gyengyen	Yes (24)	No	No
	Kadentwen	Yes (25)	No	No
Krachi East	Dambai	Yes (49)	Yes (1)	Yes (1)
	Yariga	Yes (25)	Yes (1)	No
	Domabin	Yes (24)	No	No
	Asukawkaw	Yes (25)	Yes (1)	Yes (1)
Nkwanta	Nkwanta	Yes (50)	Yes (1)	Yes (3)
	Brewanease	Yes (23)	Yes (1)	Yes (1)

Source: Field work, October, 2008

Notes: * Number of interviews in bracket

** Number of FGDs carried out in settlements in brackets.

*** Number of interview sessions in bracket

The qualitative data came from focus group discussions with chiefs and elders and then with ordinary citizens. Table 1 shows where focus group discussions and indepth interviews were conducted. In the case of FGDs, an average of between ten (10) and sixteen (16) participants of both male and female, indigenes and migrants as well as the youth and the elderly were involved. These discussions centred on the origin of claims to land, traditional management systems, mechanisms for access to land and terms of usage, changes in landuse and their socio-economic impacts, and extensive deliberations on the CLS eliciting their consent, concerns, desires, fears and suggestions. Discussions with chiefs took place in Breweniase representing Ntrobo and in Nkwanta with three different chiefs representing the Adele, Atwede and Chala paramountcies. In the Krachi West, discussions were held with five subchiefs in Kete Krachi, and the Borae chief. In Krachi East we interacted with the Dambai and the Asukawkaw chiefs. The discussions with the ordinary citizens then followed in the afternoon of the same day. Issues discussed centered on land management, access to land and its challenges as well as knowledge to and usefulness of the CLS. The views of migrants,

indigenes, women and the youth were given special focus. Each focus group had a membership comprising of about eight men and six women. The focus groups were held in Nkwanta, Dambai, Kete Krachi, Bora, Asukawkaw, Kromase, Breweniase, and Yariga.

1.6: A background of the study area

The Kete Krachi customary traditional area covers the Krachi West, Krachi East and Nkwanta districts of the Volta Region. It lies between latitude $7^{\circ} 30'$ and $8^{\circ} 45'$ N and longitude $0^{\circ} 25'$ W and $0^{\circ} 45'$ W. The three districts cover an area of 8, 699 km².

The three districts together have an average population growth rate of 2.8% which is higher than that of the region (1.9%). The area is rural with over 76% of the population living in rural areas and in scattered settlements. According to the 2000 Population and Housing Census Krachi East had a population of 75,058, Krachi West 81,954, and Nkwanta 153,279, with illiteracy rates above 60%. Major tribes in the area include the Nchumuru, Krachi, Konkomba, Adele, Atwedese, Ntrobo, Challas, Akan, Ewe, Kotokoli and Hausa.

The area is characterized by a tropical climate with dry and humid weather conditions. Rainfall regime in the district is double maxima type, the first from April to July and the second from September to October. Annual rainfall amounts range between 922mm and 1874mm. Dry season occurs from November to March. The mean annual maximum temperatures range between 24°C and 39°C, while mean annual minimum temperatures range between 11°C and 26°C. January to April constitutes the hottest months while December has the lowest temperatures.

The area can be classified into two main relief zones: the mountainous southern portion lying along the eastern border with the Republic of Togo and the undulating northern part, with altitudes between 100m to 200m above sea level. Notable relief features that can be found in the district are the Kyabobo Mountain (884m), and the Kelembo Mountain (738m).

The area is drained by several rivers and streams. These include parts of river Oti, and the Kpassa, Sabu, Bonakye, Chai, Asukawkaw, and Dakar Rivers. However, most of these streams dry up during the dry season. The soil in the district supports a variety of food crops such as yam, cassava, maize, groundnut, cowpea, and sorghum, and cash crops such as cocoa. The cultivation of rice is also widespread.

The area has an array of vegetation ranging from the semi-deciduous forest zone on the eastern and southern parts, and the savanna woodland sandwiched between the northern grassland savanna and the semi-deciduous forest zones. Some common timber species include

Wawa, Odum, and Kyenkyen. However due to logging, fuel wood cutting and yearly burning, the original forest is now reduced to secondary forest.

Agriculture is the mainstay of the economy of the area. Majority of the people are into subsistence agriculture. Agriculture employs over 80% of the population. Major food crops include cassava, yam, maize, and cowpea. Cash crops cultivated include cocoa, oil palm, and cashew. Also, major livestock found in the district are cattle, sheep, goat, and poultry. Fishing is a major activity on the Volta Lake and the Oti River. The processing and manufacturing sectors are poorly developed and limited to cassava processing into gari. Other economic activities in the area include trading, carpentry, dressmaking, and block moulding. The problems of livelihoods in the area include poor mechanization of agriculture, no irrigation schemes for dry season farming, and dependence of the people on streams and rivers for their drinking water, poor housing conditions, poor infrastructure, and increasing environmental degradation. The roads in the area are bad and most of them are not motorable during the rainy season, thereby retarding economic activities. Only one ferry works in Dambai which operates basically twice daily. The second ferry in Kete Krachi has been relocated elsewhere and replaced with speedboats which have significantly reduced the volume of trade between the area, the Ashanti Region and Brong Ahafo. Trade is therefore redirected southwards to Akosombo and Accra leaving the nearer and most profitable alternative to Kumasi.

Social facilities such as educational and health infrastructure have seen some improvement over the past ten years but still woefully inadequate and of poorer quality compared to southern Volta. The number of secondary schools is low and not able to cope with the huge numbers of pupils churned out from the lower levels. Few vocational, technical and teacher colleges exist to complement the secondary schools. Health infrastructure is composed of age-old dilapidated and over-stressed clinics and hospitals of both public and mission owned origins.

The area has potential for accelerated growth and development if the resources in the area of agriculture, tourism, fishing, forestry, mining, quarrying, and construction, shea nuts, and human can be developed through a sustained and committed planning process with investment from both private and public sectors in infrastructure and productive activities.

1.7: Outline of the report

The first section of the report has provided an introduction delineating the aims and rationale, the source of data and a socio-economic background of the study sites. The second section describes the customary management of land and natural resources in the area. The third section examines the typology of land rights and the associated vulnerabilities of different groups. The fourth provides an assessment of the CLS in the Krachi traditional area showing the awareness, potential benefits and suggestions from stakeholders in the area for an improved operation of the CLS office. The final section provides a summary and conclusions with recommendations on the way forward.

CHAPTER 2: CUSTOMARY MANAGEMENT OF LAND AND NATURAL RESOURCES IN THE KETE KRACHI CLS AREA.

2.1: Introduction

This section of the report describes the key traditional institutions involved in land management and the role played by each stakeholder entity in land management. The origins of claims to land ownership and the traditional arrangements for access to land and natural resources (for indigenes, migrants and others) in the Krachi CLS area are also described.

2.2: Key Traditional Institutions in Land Management

Land management in Ghana is characterized by a complex tenure system which is shaped by both customary land laws and the British conveyance system (Larbi, 1995). Both systems are legally recognised in the 1992 Constitution of Ghana. The customary system is normally managed by a traditional ruler, land or earth priest, council of elders, family or lineage head. Its principles stem from the rights established through first clearance of land or conquest. The customary authority holds the allodial title to the community's land and this depends on the descent group, whether matrilineal or patrilineal.

The respondents in the questionnaire survey indicated that in the Krachi CLS area, the main traditional authorities over lands in the settlements covered during our survey are the Nchumuru (35.8%), Krachi (27.8%), Adele (12.3%), Ntrobu (11%). Others are Atwode (6.8%) and Akan (6%). Below is a description of of the traditional institutions in land management in the various traditional areas.

Krachi: All lands in the Krachi traditional area are stool lands under the authority and control of the paramount chief, the Krachiwura. Under him are a number of divisional chiefs who control portions of the Krachi lands to serve the Krachiwura. Every divisional chief knows the boundaries of the land under his control. Under the divisional chiefs are sub-chiefs and Odikros/Headmen. The management of land is usually at the level of the Odikros/Headmen where land allocation is made. The divisional chief responsible for the area in question is informed of all land allocations made by the Odikros/Headmen. The Odikros/Headmen also resolve conflicts at their level. The difficult issues are referred to the divisional chiefs and where there is no solution at that level it is referred to the Krachiwura for

resolution. Another important institution in land management is the role of the chief priest of the deity, Krachi Dente. In-depth interview with five chiefs in Kete Krachi revealed that in the past the Krachi Dente was the overall authority over land within the traditional area. Today, the Krachiwura has the Dente and the Dente is also a divisional chief and has land under his control and accounts for the land to the Krachiwura. He controls the sacred lands and resources and which are not accessible to anyone. The Krachi Denteh, however, has no authority over land for building in the settlements.

Nchumuru: The Nchumuru areas are not under one paramount chief but the area is fragmented into four divisions namely: Chunke, Chaichai, Sunwai and Banda. Each division has a divisional chief as the head with a number of sub-chiefs or odikros under him. No division has a traditional council but all land matters in each division end up at the level of the divisional chief. It is the sub-chiefs or odikros who grant land and then report to their respective divisional chiefs. Unlike in the Krachi area, no mention was made of the role of deity in land management in the Nchumuru areas.

Adele: Lands in the Adele traditional area in the Nkwanta district belong to families. The management of land is the responsibility of family heads as custodians of family lands. Currently, there are no stool lands and the chiefs do not directly manage lands belonging to families except indirectly in terms of resolution of land disputes between families. Also, chiefs and their council of elders are the first point of contact in land acquisition process by strangers/migrants. In the past the head of the fetish priests called *Tutu* of the Adele deity by the name of *Efriko* was the caretaker of the Adele lands.

Chala: The Chalas are a small group in the Nkwanta district. They have a head chief, the Begyini of Chala, then sub-chiefs and clans made up of families. According to the head chief the Chala land belongs to all Chalas. It is a collective ownership and therefore it belongs to the stool. But the land is managed by clans and families. Chalas also have deities which are described by the head chief as patrons because they determine the time to celebrate festivals, days for going to farms and not going to farms but they have no control over lease of land. The chief priests of the deities are responsible for the sacred grooves of the deities.

Atwode: The Atwode traditional structure comprises the paramount chief at the top of the hierarchy. Below him are divisional chiefs and below them are sub-chiefs or Odikros for the indigenous people and headmen for the settler communities. In every village there are clans made up of families with clan/family heads. Land allocation, however, is the responsibility of clan/family heads. The role of Odikros and chiefs is to resolve disputes and conflicts. In case they are unable to do so the case is taken to the paramount chief for resolution. The disputes are usually between families and sometimes they occur between individuals and they are mainly over boundaries. Fetish priests of the Atwode deities (*Brukum, Gagor and Gatsoka*) are responsible for managing the sacred grooves of the deities.

Ntrobu: The Ntrobus have a traditional structure similar to others described above. Ntrobus have a paramount chief at the top of the hierarchy and below which are divisional chiefs, sub-chiefs/odikros. The land belongs to clans/families though the stools have their own portion of the lands in each community.

2.3: Origins of Claims to Land Ownership

In our focus group discussions with the chiefs and their elders, the team was treated to the brief histories of the settlements and how they came to own/occupy their lands. These are briefly summarized below:

Krachi lands: The Krachis claim ownership of their lands through first occupation and clearance. According to the chiefs interviewed in Kete Krachi, the Krachis migrated from Larteh on the Akwapim ridge in the 17th century. The land on which the various groups of the Krachis settled was virgin land. Later on various groups from war-torn areas came to seek refuge there and under the spiritual refuge of the Krachi deity, the Krachi Dente, settled on Krachi lands. Some of the migrants from the North sought refuge there from slave raiders, others from the Ashanti and other Akan areas (e.g. the Akroso people) migrated there as a result of warfare and yet others came to settle there as traders. The newcomers were distributed among the various divisions according to the dictates of the Krachi Denteh. With the creation of the Akosombo dam some of these communities, such as the Akroso people now in Asukawkaw, were settled on the acquired lands from the Krachi and other traditional

areas. It was learnt during the fieldwork that in view of the resettlement resulting from the creation of the lake, some of the settlers, especially the Hausa settlers in present day Kete Krachi, claimed that the land on which they were resettled belonged to the Volta River Authority (VRA) and therefore considered the land as belonging to the VRA instead of the Krachiwura. This actually referred to land, around Kete Krachi, that was reserved for farming but which is land being converted to urban use, mainly for housing.

Nchumuru lands: The Nchumurus claim ownership of their lands through first occupation. The Nchumurus in the present day Krachi East and West districts are said to have migrated from areas around Yeji in the present day eastern Brong Ahafo Region, and from the Salaga district in the Northern Region of Ghana.

According to the chiefs interviewed in Kete Krachi by Cap 84, (1936 edition) all lands in the Nchumuru areas have been vested in the Krachiwura so the land administration law that applies in present day Northern Region of Ghana also applies in the Krachi area. In the past Krachi was part and parcel of the Northern Territories. According to the chiefs, traditionally all the lands from Krachi, the Nchumuru land to Asukawkaw belong to the Krachiwura. The Krachis share boundary with the Apesokubis.

The **Adeles** and the **Atwodes** claim ownership of their lands through first occupation of their lands. They know the boundaries of all their lands especially with each other and with their neighbours. However, currently the **Chalas**, who are said to have been originally part of the Atwodes and with their base in Odomi, are now claiming lands in Nkwanta town. The chiefs of all the three groups interviewed during the field work claimed that they had documents on their lands and court judgements in connection with boundary disputes on their lands.

Ntrubu lands: The Ntrubus claim ownership of their land through original settlement. The Ntrubus are not contesting land ownership with any ethnic group. According to the chiefs and elders interviewed in Brewaniase, their stool is called Titebo meaning “we are not contesting with anyone over land here”. The land belongs to the stool and families.

2.4: Traditional Arrangements for Access to Land and Natural Resource

2.4.1: Introduction

Among the many issues affecting the development of the country is that of poor land management and land delivery system to support all the myriad of activities at different geographical scales. All economic activities require land input. Land, therefore, is essential for employment creation and critical to human activities generally. This is even more critical for rural dwellers whose livelihood activities are predominantly in agriculture and related activities. Secondly, land is also required for provision of shelter and other non-farm activities. In this section traditional access to land for farming will be described noting the peculiarities with the different traditional area as well as the case of resettled areas. This will be followed by a description of the process for land acquisition for shelter and finally a description of the peoples' access to natural resources in the commons. In all cases the situation of indigenes, migrants and gender differentiation is highlighted.

2.4.2: Traditional Arrangements for Access to Land for Farming in the Krachi CLS area

In the Krachi CLS area, chieftaincy owned, patrilineal (44%) and family owned patrilineal (40%) systems dominate the land tenure systems as Table 2 shows. The chieftaincy owned patrilineal system is dominant in the Krachi and Nchumuru traditional areas while the family-owned patrilineal system is dominant in the Atwede, Adele, Chala and Ntrubu traditional areas. In all the traditional areas males have an upper hand than females in the issue of inheritance of land as shown in Table 3

The traditional arrangements for access to land for farming are different for indigenes belonging to land-owning clans/families and migrants/settlers in all the traditional areas in the Krachi CLS area. There are, however, similarities in traditional arrangements in both respects among the various traditional areas in the Krachi CLS area.

Table 2: Traditional Areas and Land Tenure Systems in the Krachi CLS Area

Traditional Areas	Land Tenure Systems of this Area						Total
	Family owned patrilineal	Family owned matrilineal	Chieftancy owned, patrilineal	Chieftancy owned, matrilineal	Government (VRA)	Private individuals	
Krachi	6 6.0%	0 .0%	92 92.0%	0 .0%	2 2.0%	0 .0%	100 100.0%
Nchumuru	55 36.2%	4 2.6%	68 44.7%	5 3.3%	8 5.3%	12 7.9%	152 100.0%
Atwede/Adele/Chala	75 100.0%	0 .0%	0 .0%	0 .0%	0 .0%	0 .0%	75 100.0%
Ntrobo	19 82.6%	0 .0%	1 4.3%	0 .0%	0 .0%	3 13.0%	23 100.0%
Others	6 12.5%	0 .0%	15 31.3%	0 .0%	12 25.0%	15 31.3%	48 100.0%
Total	161 40.5%	4 1.0%	176 44.2%	5 1.3%	22 5.5%	30 7.5%	398 100.0%

Source: Field Work, October 2008

Table 3: Traditional Areas and Land Inheritance in the Krachi CLS Area

Traditional Areas	Who inherits land					Total
	Male children	Both male and female children	Uncles	Odikro	Male family head	
Krachi	72 72.0%	17 17.0%	0 .0%	7 7.0%	4 4.0%	100 100.0%
Nchumuru	103 69.6%	43 29.1%	1 .7%	1 .7%	0 .0%	148 100.0%
Atwede/Adele/Chala	25 33.3%	50 66.7%	0 .0%	0 .0%	0 .0%	75 100.0%
Ntrobo	17 81.0%	4 19.0%	0 .0%	0 .0%	0 .0%	21 100.0%
Others	37 78.7%	10 21.3%	0 .0%	0 .0%	0 .0%	47 100.0%
Total	254 65.0%	124 31.7%	1 .3%	8 2.0%	4 1.0%	391 100.0%

Source: Field Work, October 2008.

2.4.3 Traditional Arrangements for Access to Land for Farming in the Krachi Traditional Area

In the Krachi area an indigene living in a village would have automatic access to lands farmed on by his family in the past. On the other hand, an indigene who intends to farm in another village would normally start the process by contacting the Odikro of the village. This is important in order that the same piece of land may not be released to more than one person. Later, the land seeker would present a bottle of schnapps to the Odikro to be used in performing certain rites before farming begins. The study area is dominated by patrilineal system of inheritance where both male and female have use right of their clan/family lands. Though the system does not permit women to inherit lands and which can be passed on to

their children, husbands or others but a male member of a family can pass on land to others including their off-springs. On the death of a woman, her children could continue to have use rights of the land that their mother used to farm on or even the farm lands of their uncles would normally be available to them provided they were of good behaviour. The rights to land by children of their uncles, especially male children, take precedence over that of children of females because of the patrilineal system of inheritance in operation in the area. Women also have use rights of their husbands' lands but that ceases in the event of the re-marriage of women on the death of their husbands. Women's role in farming is usually to plant crops when their husbands had cleared the land.

On the other hand a migrant or stranger has to approach the Odikro through the stranger's landlord or another native who has to introduce him to the Odikro. The stranger has to present drinks-usually two bottles of schnapps, for rites to be performed. He is then led by someone to be shown the land released to him for farming. The tenant farmer does not have a special obligation to the landowner except to establish a good rapport with him as the results of FGD in Kete Krachi shows;

“Custom also demands that after every harvest a farmer is expected to bring to the Odikro some of his crops or if the Odikro is celebrating a festival, he can even ask a farmer on his land for help. In this case if the tenant farmer refuses the Odikro it can cost him his land...If the tenant continues to provide some items to the land owner, he will continue to stay and farm on the land. Even if the tenant dies, his children can continue to farm on the land. So here there are no conditions existing on lands, the only problem is to give respect to the land owner” (FGD at Kete Krachi, October 08, 2008).

In the past, when farm land was in abundance, land was released virtually free of charge. The landlords are now extracting something in kind-foodstuffs, livestock-from the settler farmers. This has generated some misunderstanding among the settler communities.

It was gathered from interview of chiefs at Kete Krachi that increasingly settler farmers were not showing courtesy to their Odikros by refusing to give them portions of their crops, or contribute towards the observance of certain rites or during festivals. Also it was reported during an FGD in Kete Krachi that there were instances of people not contacting the Odikro for land but had managed to acquire land for farming. But the Krachi Traditional Council has now put a committee in place to check such tendencies among some of the tenant farmers. It was also learnt that the chiefs had proposed that each farmer should pay a very small amount

as tax on their farm lands. It had been proposed that before the implementation of this proposal the settler communities were to be sensitized with the headmen and other community leaders being the first to be educated about this and eventually through them the wider communities would be educated about the need to implement this proposal.

2.4.4: Traditional Arrangements for Access to Land for Farming in the Nchumuru Area

There are similarities in terms of the traditional procedure for acquiring land for farming for both the indigenes and strangers/settler farmers. Every indigene knows where his clan/family had farmed for ages and would normally use the lands on which their grandfathers/fathers farmed previously. If an indigene decides to farm in another village, he would first contact the Odikro and the process is similar to the procedure followed in the Krachi area. All the lands in the Nchumuru areas belong to the divisional chiefs but each clan/family has an area that it is recognized by all through long period of farming there. The system of inheritance is patrilineal and the position of and access to land by women and their off-springs are equally similar to that of the Krachis. Women's interest in land is catered for within the family where a woman has access to the farmlands of her husband but in the absence of a husband, a woman has right to her father's land in the sense that her brothers would not deny her access to their father's land. On her death, a woman's children can continue to farm on the land their mother used to farm on but they can not claim the land.

In the case of strangers, their landlords would normally introduce them to the head of the clans whose lands they intend to farm on. The clan heads would take them to the Odikros who would enquire from the clan heads if they have some land to spare. If a clan head responds in the affirmative, then the Odikro/chief would appoint some of his elders to accompany the clan head and the stranger to show him/her the plot. According to the Odikro of Chindere, there are four clans in the town and within them there are four men who know the status of land anywhere in and around the town. They would then go back to the Odikro/chief where the stranger would normally present drinks (schnapps) and a sheep to the chief and his elders for some customary rites to be performed for the stranger to farm. In the past that would have been the end but today, the migrant is expected, through his landlord, to go back to thank the chief and take along a bottle of schnapps annually. Also, as it was

intimated during an FGD at Boraë a stranger farmer having farmed on a piece of land for a year is supposed to go back to the chief to be given another place to farm but with less expensive rites to the farmer than before. Stranger farmers were said to risk losing their land for non-observance of this regulation. In the past there was an annual tribute by the tenant to the landlord but the settlers have virtually discontinued with that practice now. In Chindere, we learnt that there was no restriction on anyone extending his farm but he has to negotiate with those farming close by. Also, no money is extracted from the settler for that except when the extension is meant for commercial cash-crop production. In Chindere, a migrant risks losing his farmland if he is involved in conflicts/fights persistently, or if he is someone who deals in fetish, witchcraft or for immorality/adultery.

2.4.5: Traditional Arrangements for Access to Land for Farming Among the Adeles

An indigene would normally farm on his/her clan/family lands where his/her grandfather/father used to farm. Usually, no rites are performed by indigene before using clan/family land for farming. A migrant/settler on the other hand, who is interested in any piece of land for farming, has to contact the chief/odikro and his elders first. The chief would then find out which family owns the land in question and asks the one interested in that land to negotiate terms of release with the head of the clan/family that owns the land. The terms were mainly share cropping arrangements. Formerly, it was an “Abusa” but now an “Abunu” system. Before the land acquirer enters the land, he/she would present a bottle of schnapps to the chief for libation to be poured to wish the land acquirer well in his farming venture. The procedure by which migrant/settler farmers had accessed farm lands in the Adele traditional area has remained essentially the same except that new land acquirers are required to pay a token fee to the land owner(s).

2.4.6: Traditional Arrangements for Access to Land for Farming Among the Chalas

A Chala has use right to land for farming through his/her clan/family head. No one has the right to stop a Chala from cultivating a family land provided the land is free and no procedure is required to be followed in this respect. If a Chala returned home and was refused

access to family land for farming it should be reported to the chief. Both sexes are supposed to have equal access to family land except that a woman's access to family land is determined by the kind of marriage she finds herself in. She can have access to land if she is married to a Chala. Males, however, tend to have preferential treatment in the issue of access to farmland.

The procedure for a migrant/settler seeking to access land for farming in the Chala area is first the individual would normally contact the head of the family that owns the land and who would in turn seek approval from the individual member of the family who, as it were, 'owns' the land before the land can be given to the land acquirer. An agreement is reached with the land owner. No "abunu/abusa" system is practiced in the Chala area as there are no suitable lands for growing perennial crops but the landowner can agree with the settler farmer to share the food crops. In this case, a settler can discontinue tilling the land if there is a disagreement between him and the landowner, since the land was not sold out to the settler farmer.

2.4.7: Traditional Arrangements for Access to Land for Farming Among the Atweddes

Indigenes belong to clans/families and they have access to their clan/family lands for farming upon consultation with the family head.

The Atweddes occupy a large stretch of land with settler communities usually led by headmen who are also settlers. A settler farmer who wishes to acquire land for farming must first contact their headmen who then would see the chief/odikro about their request and this request is usually granted. It was learnt from the interview of the Atwede chiefs and their elders at Nkwanta, however, that there were cases where the headmen did not inform the chiefs/odikros about requests for release of land for farming and went ahead to release land without their authority.

2.4.8: Traditional Arrangements for Access to Land for Farming Among the Ntrubus

Though lands in Ntrubuland are not for sale, it was learnt that in the past some of their forefathers sold some land particularly for cocoa cultivation but that practice was being abandoned due to population increase and shortage of land in the area.

Lands in Ntrubuland belong to families and indigenes, both males and females have access to their family land for farming. A woman has access to the land her husband farms on for farming as well as her own father's land. In the absence of a woman, her father's land which she used to farm on would pass on to her brothers but not to her husband or the husband's family. A woman's children also have right of use of their mother's land but can never claim absolute ownership of the land.

A stranger/settler looking for farm land first makes enquiries about the ownership of the land he/she is interested in and then approaches the head of the clan/family that owns the land usually with drinks. If the family agrees he/she would be presented to the chief/odikro and where he/she would present some drinks to the chief for libation to be poured. The land owner enters into an agreement, usually on share-cropping basis ("Abusa") with the land acquirer. The specific agreement would be determined by the type of crop to be cultivated-either annuals (cassava, plantains, other tubers, grains etc) or perennial crops (e.g. cocoa). The settler is made to understand that he/she only owns the crops but not the land on which the crops are. The duration for the release of the land for farming depends on a number of factors especially on the manner of relationship between him/her and the land owners, how well or otherwise the acquired land is utilized.

The land acquirer is also made to understand that in using the land on share-cropping basis, at the end of the harvest and before the crops are shared, he/she would have to present such items as sheep, cloths, schnapps etc. This is usually done to foster a cordial relation between the landowner and the tenant so that in case the tenant is no more, his children would have the opportunity to continue tilling the land otherwise the children could lose the opportunity to continue tilling the land. On the death of the original land acquirer it is expected that his children would renew the old agreement with the landowner. This could be facilitated or be constrained by the manner their father related with the landowner. In the case of cultivation of perennial crops such as cocoa, we learnt that if a tenant got land for cocoa cultivation and he was able to secure proper documents on the land, on his death his children and grand children will have the right to farm on the land. One other condition for use of land for farming purpose was that tenants were not to give part of the acquired lands to anyone without reference to the landowners.

Settlers/migrants who find themselves in land disputes are supposed to consult the head of their tribes and together with other people settle the problem. However, if they fail to solve it, then the case would be sent to the chief and his elders/community heads for resolution.

Where a particular migrant is found to be habitually in dispute, then the elders might decide to ask him to leave the community. Disputes between families are resolved in the chief's palace.

2.4.9: Traditional Arrangements for Access to Land for Farming Among Resettled Communities

There are a number of resettled communities in the Krachi CLS area. The case of Asukawkaw is used for illustrative purposes. The land on which the people of Asukawkaw settled was acquired by the Volta River Authority (VRA) from the Apesukubi stool but the Krachi stool is also claiming the land. Unfortunately, not all the lands originally acquired by VRA had been released to the people. The manner of allocating lands by VRA to individuals and families that were re-located from the old settlement-Akroso town in 1964, when they moved to Asukawkaw, seems to have created a problem of land shortage to the settlers. We learnt from the Asukawkaw chief and his elders that all those 18 years and above, both migrants and indigenes from the old settlement, were allocated three acre plots of land each and since then nothing had been added despite increased population that the settlement had experienced since 1964. It has been very difficult for the people to acquire extra land for farming. In fact we learnt that due to the non-payment of compensation by the VRA to the Apesokubi stool from which the land was acquired, the community had lost part of the land originally acquired as the original demarcation pillars had either been removed or shifted inward to further squeeze the size of the original allocation to a grave disadvantage of the Asukawkaw people. The sentiments expressed by a 90-year old lady during an FGD at Asukawkaw illustrates the predicaments of the people with regards to land:

“When we first arrived here, my father was then the chief. He told the VRA that he does not want to go under anyone. He even proposed that they should send us to Krachi, but they refused. According to the VRA, the government has bought the land at Asuogya (beyond the river). When we're at the old place, we used to be under the Krachis, and shared border with them. We thought this land belongs to the Krachi. It was after our arrival that we got to know that the land belongs to the Apesukubis.....After the death of my father the Appesus started claiming that the land belongs to them. It is really a problem. The 3 acres of land given to us is not sufficient because most of our young ones were not born by then and they also need land to farm. Most of our lands have been taken by the Apesukubis but what can we

do. The one who brought us here has left us for good". (Elizabeth Owusuah at FGD at Asukawkaw, October 11, 2008)

The land which has been held back is supposed to be the stool land for the Asukawkaw stool. The current generation can farm only on land belonging to their grandfathers/fathers' or acquire land elsewhere on rental or share-cropping basis. Because of the land situation the land available to any family belongs to the entire family so there is no land fragmentation. ("abunu/abusa"). Since the establishment of the town other migrants had moved in there and also looking for farmland and this had exacerbated the problem of shortage of land for farming and building. They hire land on rental basis or enter into share-cropping arrangement with those from whom land could be obtained (usually from the Apesokubis) for farming. Such arrangements used to be contracted orally but now they have been formalized in the form of documents. There were no problems associated with this new development.

The case of Yarega in the Krachi East district and near Dambai is used to illustrate land access for farming and its dynamics in a wholly migrant community. Yarega is a Kokomba community living and farming on land belonging to Dambai and the Chonke division of the Nchumurus. The land was given to the ancestors of those living there by the Nchumurus. It has a headman and anybody looking for farmland has to contact the headman who would show the land acquirer a place to farm. There are no rules/regulations stipulating what a person would have to present or how much money to give to the headman. The headman does not demand anything but the land acquirer may present a bottle of drink to be used for libation for a successful stay on the land. The utilization of land is done in a way as to avoid conflicts. Consultation with others in terms of which direction one could farm is sought with those farming around where one may be farming. There are no terms with regards to the use of the land except that during festivals the landlords do ask for support from their tenants and which is usually given in the form of foodstuffs-yam, fowls, goats, sheep. This practice has really not changed much over the years.

The common problem experienced by the community were border disputes and which were usually resolved by the headman and his elders together with the parties in dispute. The case would end up in the court of the Dambia chief if the headman and his elders failed to resolve the disputes. Community members, both males and females had access to land farmed by their ancestors. Some even used part of the land to cultivate perennial crops such as palm

and teak. But the problem of land scarcity was already showing its ugly head and also the landlords could withdraw the land from their use at will. It was reported during the FGD with the Yarega community that the District Chief Executive (DCE) had taken over part of the farmlands of the community for his mango and palm plantation project. This had affected some farmers whose lands had been taken for this project and there are no farmlands anywhere else for them.

2.4.10: Traditional Arrangements for Access to Land for Building in the Krachi CLS area

Land for housing has assumed such importance in the Krachi CLS area, particularly in the district capitals of Kete Krachi, Nkwanta and Dambai. Consequently, the traditional system of land delivery for shelter is being transformed and increasingly commercialized. The situations as they pertain to individual towns are presented below.

Kete Krachi: Anyone seeking a building plot has to see the family head that owns the land at a particular portion of the town and strike a deal with him, as it were. This in the past involved presentation of drinks but increasingly the drink is in the form of money. The head of the family and his elders would arrange for documents on the land to be prepared and which the Krachiwura would have to countersign. In all these the Krachiwura is the overall head. Due to pressure on urban land its value has appreciated and a normal plot in Kete Krachi is going for anything between Ghana Cedis 300 and 500 for a plot of the size of 100 by 100 feet or 100 by 80 feet. A stranger who acquires a plot and pays the ‘drink’ money is given a receipt signed by the head of the land-owning family or the Odikro and Krachiwura. That is then presented at the Town Planning Office for the necessary site plan and documentation on the land to be prepared. The effects of urbanisation on outlying farmlands have been discussed in chapter four.

Dambai: There are three chiefs in Dambai belonging to different Nchumuru divisions. Each of them controls a portion of Dambai lands. Initially when the value of land was very low, the issue of land demarcation was not a critical one. Now the town is growing fast and more so it has been made the capital of the Krachi East district so the value of land has appreciated and boundary disputes between the various divisions have been on the increase.

There is now a problem of shortage of building plots and gradually the outlying farmlands are under threat of urbanization. In the past, indigenes had access to building plots through the heads of their families. No payment or special rites were performed before land was released to the indigene for building purpose. On the other hand a settler/migrant would route his quest for a building plot through his landlord to the chief. If the chief agrees to it documents are prepared on the land signed by the Dambai chief and his elders. Currently, no duration of the lease of land has been determined by the land owners. The migrant/settler in the past would only present drinks to the chief for the land but with the commercialization of land in the urban areas in particular, the cost of a building plot in Dambai ranges between two hundred and five hundred Ghana cedis depending on the size and location of the plot. We learnt that though in the past migrants/settlers did not have to pay for building plots, some of them were making windfall profits through the sale of buildings on plots, for which they did not pay anything. It is now mandatory for the migrants to pay a certain percentage of cost of buildings on lands which was obtained for free to the stool.

Nkwanta: Nkwanta is being claimed by the Adele, Atwode and the Chala chiefs. The Adeles know their boundary with the Atwodes but the Chalas who used to be part of Atwodes are also claiming lands and have disputes over land with the Atwodes. The town used to be a meeting/market place between the various groups. In the past, an indigene obtained land for building from the head of the clan/family the person belonged to without passing his request through the chief. A stranger obtained land through leasehold from the heads of clans/families and who have to inform the chief before the land is leased to the individual. The drink money for the leasing of the land is negotiated by the chief and shared between the clan/family head and the chief. The land acquirer then presents the receipt/document to the Town Planning Office for a site plan to be prepared and the plot demarcated for him. The Town Planning Officer has to certify from which of the chiefs in Nkwanta the plot of land was obtained to know the authenticity of the transaction before entering it in their records. Beyond the issuance of a site plan, indentures are prepared for those who demand them. This requires the signature of the chief, the head of the clan/family, the applicant and two witnesses one for the buyer and one for the family leasing the land. In the past there was no specific duration for leasing a building plot but now, in addition to the drink money, the land owners are leasing land for specific period (usually for 99 years).

However, it was gathered from interviews conducted in Nkwanta that the town was growing very fast but in a haphazard manner due partly to the problem of non-conformity with the Town Planning Scheme for the town and the problem of multiple sale of land from different claimants to the land. It was learnt from an FGD in Nkwanta that in Nkwanta the landowners no longer had an absolute power over land allocation for building purpose because each ethnic group (i.e. Adele, Atwode and Chala) had formed or was trying to form its own, “Land committee so if a person wants land he/she should first find out which of the ethnic groups owns the land and then contact the committee members of that ethnic group and they will in turn send you to the chief who is the head of the committee for the formal negotiation to begin. The committees were formed because formerly when it was in the hands of individual families, it brought about lots of family and land disputes. After the release of the land to the individual he’ll then contact the Town Planners for the necessary documents to be made on the land. Any individual who fails to follow these conditions does so at his/her own risk” (FGD at Nkwanta October 04, 2008).

The Chief and the *Mankrado* of the section of the town belonging to a particular ethnic group would normally send the committee to the site where the plot is measured and demarcated by the Town Planner.

In the other study sites where there is not much pressure on plots of land for building either because settlements were not growing as fast as those indicated above or there are no plots for building purposes (such as in Asukawkaw) the situation is slightly different. In **Brewaniase** (Ntrubuland), it was learnt that in the past a stranger had to present some drinks (usually about two bottles of schnapps) to the chief for a plot of land to be released to him for building purpose. However, currently individual land owners have their own conditions before releasing land to migrants. Some land owners may not demand physical cash for the drink money but payment in kind such as building materials.

In **Borae** the pace of commercialization of land has not caught on that much. Strangers still obtain building plot from the chief but must first contact their landlords who would take them to the chief. The stranger presents drinks to the chief for libation. A new trend is the introduction of documents on the land released.

In **Chindere** in the Begyamse division of Nchumuruland, a similar procedure applies. The settler who wants land for building is introduced to the Odikro by the head of the clan/family that owns the land to be acquired. Once there is an agreement to release the land,

the land acquirer pays for the drink money, which is shared between the Odikro and the head of the clan/family that owns the land. The divisional chief at Begyamse is eventually informed of the transaction. Part of the proceeds of the land transaction goes to the chief at Begyamse in case of release of a large tract of land for a project.

2.4.11: Traditional Arrangements for Access to Natural Resources

Apart from land for farming other natural resources include water bodies for fishing and the common lands from which individuals could harvest wild fruits, firewood, hunt game and extract other non-timber products etc. Generally, there are no common areas in all the traditional areas which are accessible to the people. Some of the communities have sacred grooves for their deities and which are not accessible to the people apart from those connected with the deities or have permission to enter such lands. In the past people could enter other peoples farm/land and harvest fruits, hunt game or even graze their livestock without any restriction if only the owners were informed. This was because community members lived like brothers and sisters.

Today, it is not the case to a very large extent. One has to ask permission from the owner of the farm before one can enter his/her land to harvest wild fruits and other fruits of commercial value such as dawadawa, sheanut or other edible fruits such as mangoes or to cut firewood. Today, everyone seems to protect whatever he/she has but a hunter straying into someone's farm would usually not need permission from the affected farmer. Livestock farmers can graze their livestock, particularly cattle on fallow lands but there too the permission of the land owner or the chief, in cases of stool lands as it was recorded in the Ntrubu area (Brewaniase), is needed. It is much easier for people, both indigenes and migrant, to enter stool lands to harvest fruits and other non-timber products than to enter lands belonging to others. From our questionnaire survey, 70 percent of the respondents said they gained access to some natural resources and out of that about 71 percent of them had it for free and about 24 percent had access with permission from the land/farm owners. Details of traditional arrangements for access to natural resources are presented in chapter three.

2.5 Summary

- The main traditional institutions responsible for land management in the Krachi CLS are: the chieftaincy system, clan/families and to a limited extent chief priests of deities in the various traditional areas.
- The origins of claims to land ownership were first occupation and clearance of land. In this respect there are instances of competing claims on same piece of land. The case of disputes between the Atwede and the Nanumbas in Nkwanta North district and between Atwedes and Chalas in Nkwanta town very well illustrates this issue. There are also communities resettled on land acquired by the VRA in the 1960s in connection with the Volta River Project.
- The traditional arrangement for access to farmland for indigenes is through their clan/family heads. The Krachi CLS area is dominated by chieftaincy and family owned patrilineal system. Males farm on lands their fathers and grandfathers used to farm on. Females have access to their husbands' lands as well as that of their own fathers and also through their brothers.
- Strangers access land through their landlords who lead them to their chiefs and eventually the head of clan/family with land available for lease. Drinks and or drink money is presented to the chief for customary rites to be performed before the stranger begins farming on the allocated land.
- For building, indigenes, both male and female access land through the head of their clans/families without paying anything but in the main towns the supply of building-plots is dwindling over time.
- Strangers obtain land for building through the chiefs in collaboration with the head of the clans/families that own the land. In the past only drinks were presented but today in addition to the drinks some 'drink money' is collected from the applicant. Payment receipt is presented at the Town Planning Office to authenticate the transaction. Site plan is prepared and the plot demarcated by the Town Planning Officer in the presence of the chief, his elders and land committee members.
- Some changes to the traditional land delivery system are occurring in all the traditional areas. Access to land is most difficult in the resettlement communities as the case of Asukawkaw illustrates.

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- There are virtually no common areas from which both indigenes and migrants could access natural resources but majority of those who were fortunate to have had access did not pay anything for them.

CHAPTER THREE: TYPOLOGY OF RIGHTS ARRANGEMENT IN THE KETE KRACHI TRADITIONAL AREA

3.1 Introduction

Rights to land vary in different places and among different uses and according to the status of the land user. This chapter details the different types of land rights existing in the Kete Krachi Traditional area and provides an analysis of the degree of security/vulnerability associated with each set of rights. A typology of land rights is however useful within short run situations as conditions necessitating changes in rights to land are fluid in the era of commoditization of land, monetization of relations and erosion of traditional values. These modernization trends have penetrated all sectors of the Ghanaian economy in different guises and articulated in different shapes and discourses by local people. Amanor (1999, 2001) describes in detail how new land pressures and commoditisation have led to contestations and redefinitions of rights to land and labour in the cocoa, oil palm and forestry sectors of Ghana.

However, this characterization provides a good starting point for understanding contemporary land tenure changes in order to guide future oriented policy shaping LAP and the CLS.

An individual's perception of his or her rights to a piece of land on a continual basis, free from imposition or interference, as well as the ability to reap the benefits of labour or capital invested, either in use or upon alienation encapsulates the concept of tenure security (Roth and Haase, 1998). Rights to land can be broken into three components: breath, duration and assurance, with legal and economic dimensions. Breath of rights refers to the range of rights held, such as right of use and withdrawal, right to decide the manner in which access and withdrawal should take place, and the right to transfer ownership (Shlager and Ostrom, 1992). Duration and assurance of rights refers to the degree of certainty people have that their rights will not be violated in the future. It is important to distinguish between the rights of use of land and rights of transfer and secondly the extent of autonomy afforded by the landholder in exercising these rights (Braselle et al., 2002)

Rights to land in the Kete Krachi traditional area can be conveniently categorized into primary and secondary rights according to the source of the right. Primary landholding relates to the original right holders of a piece of land or acquired land which has ownership as its

legal background. All indigenes have a birth right to land which is controlled by a hierarchical power system starting with the chief to sub-chiefs or clan heads, family heads, nuclear families and then individuals. Primary rights to land are also obtainable by non-original settlers who have lived with indigenes over a long time period, have purchased, received or 'earned' land from the leadership as they get integrated into the social system.

Secondary rights are derived rights obtained from primary right holders. Land fragmentation, and the desire for specific biogeographical conditions and migration, account for the necessity of obtaining secondary rights. These are often in the form of share-crop arrangements, renting, leasing, and contracts and so on. Both indigenes and non-indigenes use secondary rights. Secondary rights are the most important in rural development as they enable the daring entrepreneur access to the use of land whose productivity is hypothetically higher than primary indigenous land depending on the breath and assurance the holder has obtained.

3.2 The Nature of Primary Rights

Primary rights in all research sites are obtained by virtue of belonging to a particular community with ownership rights over the piece of land. The nature of these rights varies according to whether it is family owned land or stool lands. However, primary rights emanating from purchase of land by migrants have same characteristics in all study sites. In the family owned system of Nkwanta, people's primary rights to land for housing or farming are automatically guaranteed once members have a need and capacity to use the land. The chiefs of the various sections of Nkwanta, that is, the Adeles, Chalas, and Atweddes only play political functions rather than controlling land. However, with the emerging conflicts between the different sections, chiefs are becoming important players in determining the rights people have to land. Every indigene in Nkwanta has the right to use land belonging to his/her family for farming and housing upon making a request to their family heads. Heads of nuclear families may request permanent ownership over their lands. This enables them ownership rights subject to only consultative control by the clan head. Hence, the family head can dispose off the land as he so desires. But individual family members cannot alienate land without the consent of the family head. Family land is normally inherited by the senior most son who is given the oversight responsibility of making sure that all other siblings including women and girls have access to land for use ONLY. The variety of use to which land can be put by indigenes with primary rights is unlimited. Both food and cash crops can be grown, farm sheds and houses can be built by merely informing the family head. The breath of rights

of family heads ranges from right of use to transfer of ownership with trickle-down benefits to family members.

Women's rights to land are tied to male members of the community. Males inherit the land and allocate what their female siblings can use to them. These lands can be used by women just as men do without limitations. Changes in marital status of women also lead to changes in their tenure situation. Some elders in Nkwanta claimed that if women do not relocate upon marriage they have the right to continue using lands allocated to them by the family head. This was contested by a female participant at the focus group discussion, by arguing that it was contingent upon availability of land to male family members. The more abundant land is the unlimited rights women have and vice versa.

Migrant communities in Nkwanta claim to have primary rights over their lands and tend to merge their own traditional tenure systems with those of the indigenes. The people of Yariga have an Odikro who rules the village on behalf of the one of the Nkwanta chiefs. All new settlers belonging to the Konkomba tribe have free access to lands for cultivation of both perennial and food crops. Lands allocated to members of the community cannot be taken back by the Odikro as long as he accepts the drinks presented for the transfer of rights to the occupant. However, the Nkwanta chief and the respective family owning that section of the land can re-enter the land as long as it is not being used based on reciprocal negotiations. In recent times re-entry has been made by the Nkwanta chief without any consultations with the Odikro of Yariga thereby jeopardizing and relegating the nature of primary rights to that of secondary rights. Tensions are very high with regard to this phenomenon since the original settlers of the Yarigas are claimed to have performed the necessary rites for transfer of primary rights to their offspring's. The emerging land scarcity emanating from commercialization of crop cultivation and population induced limitations on bush fallowing accounts for the renegotiations and interpretations of the nature of these rights.

In the case of the stool lands as exist in Krachi, Nchumuru, Akan and Ntrobo areas, land is held in trust on behalf of the people by the overlord chief. Theoretically, all people under stool lands are ONLY land users and not owners. According to the Krontehene of Krachi, the people own the crops while the chiefs own the land. As long as the land is not needed by the chief, families can continue to use these lands. The breath of primary rights people in these areas have to land does not include transfer rights. Permission is sought from the Odikros before land is given to migrants or friends. There are no restrictions on the purpose for which land is used for, be it food crops, perennial cash crops, livestock and fishing. In the case of

perennial crops different arrangements such as share-cropping apply. The nature of primary rights under the stool lands resembles those of the family lands at the higher level of the hierarchy. Clan heads under the stool lands have powers of transfer to both indigenes and migrants but he must inform the overlord chief and also send a share of proceeds from the transaction to him. Even at the village level, the Odikro allocates user rights to land without prior consultation as long as it is for subsistence. With commercial ventures involving perennial crops, only the major chiefs have prerogative over the decision. Primary rights held by ordinary members of the society are similar to those of the family owned system in that they cannot alienate land but have unlimited usage of land.

Differences are to be found in the benefits to society. With stool lands, ordinary members of the community do not benefit directly from land alienated by allodial title holders, while under the family system members enjoy part of the proceeds of such transactions and can even contest such transfers if they perceive that the interest of the family is being compromised. The right to challenge decisions on land issues are more democratic in family owned systems than under stool systems. Migrant communities in the stool land areas have no primary rights to lands since land is not for sale. The exception is Breweniase where conditions for cocoa plantations led to their grandfathers selling land to strangers in the past. This trend has stopped as land scarcity has prompted the instituting of leases for perennial crops along commoditised lines. (See Table 4 for an overview of primary rights for farm and building lands and trends among the various traditional areas in the CLS area.

Women's rights to land under the stool systems are left to the determination of family heads who first accessed the lands from the various stools. Depending on the role husbands want to assign to their wives they may allocate some land to them for productive purposes. If husbands decide to maintain joint production structures then women would always be appendages in the production system obeying joint rights with husbands. Widowed and non-married women are however given special treatment to ease the burden off the backs of men who do not want to carry additional responsibilities. In such cases family heads and Odikros allocate land to women on similar terms as men as pertaining to the traditional tenure rules in the area.

Primary rights in a bush fallow agricultural system is however difficult to delineate clearly since people move plots all the time and the abandoned plots become other peoples' new lands. The concept of land ownership is therefore primarily generic without reference to any particular fixed land under the stool lands. Only the chief may have something that can be

described as 'owned land'. Hence, we can only talk of rights to land rather than rights in land since people cannot point to the physical entity they have rights to on a sustained/guaranteed basis. Under the family systems of Nkwanta the confusion is lessened by the fact that various families/clans know their physical boundaries with subdivisions for different compound households.

Table 5 shows that inheritance, free gifts and purchased land are the main sources of primary rights. The Krachi CLS areas have inheritance as the major source since their lands are allocated along clan headship. The Nchumuru record gifts as the most important source because vast lands exist which the chief allocates as free entities to desiring indigenes. Under the family systems of Nkwanta, inheritance is the main source of primary rights since clear delineations of land exist. In the Ntrobo areas where commodification of land transactions due to cocoa production, some people have outright purchase as their source of primary rights. There have been some changes particularly in the area of access to building plots and for commercial agriculture by migrants and these are to continue into the future (see Table 4 for summary of these).

3.3 The Nature of Secondary Rights

Secondary rights to land are used by all groups of people be they indigenes or migrants. Such lands include licence land which comes with its set of rules and limitations, as to what the land can be used for, how it should be used, and what should not be done with it. Land is still relatively abundant in the area, especially in the Krachi and Nchumuru areas. Nkwanta is beginning to experience scarcity in the immediate perimeter of the town while Asukawkaw is experiencing a very different situation due largely to the unsettled nature of the land issue there (see chapter two). The nature of secondary rights is dependent on the degree of cultivation of perennial crops, status as indigene or migrant, and land availability.

The sources of secondary rights include, leasing, licensing, share-cropping, gifts and inherited licence land. Others include grazing, picking and gathering. The nature of rights to these categories of lands is modified by location, status as migrant or indigene and degree of availability of land, including common land to which residents have uninhibited access. Generally, people using leased land have the right to grow a range of food crops or an agreed upon perennial crop for a specified time. The tenant has independence during this period in deciding how the land is used and keeps all the proceeds.

Table 4: Summary of Trends in Primary Rights to Land in the Krachi CLS Area (Indigenes and Non Indigenes)

Traditional Area	Nature of primary rights to land in the past		Nature of primary rights to land today		Projection into future	
	Farmland	Building land	Farmland	Building land	Farmland	Building land
Krachi	Automatic access to family land within ones own community or through the odikro of another community	Access through family/clan head	No change/same as previously	Access through family/clan head but with drink money particularly by migrants	For indigenes unlikely to change but migrants increased share-cropping arrangements and formalisation of acquisition procedures	Likely to be same for indigenes but increased cost of building plots for migrants
Nchumuru	Have access to clan/family land within ones own community or through odikro of another community	Access through family/clan heads for indigenes and through landlords to chief for migrants	Same as before	For indigenes, it remains the same. For migrants same route but migrants pay drink money	Same as above	Same as above
Adele	Same as in Krachi and Nchumuru areas	Access through clan/family head. For migrants through clan/family head to chief and payment of drink money	No Change	Same as in the past for indigenes but migrants, pay drink money	Same as above	Same as above
Chala	Same as above	Same as above	No Change	Same as above	Same as above	Same as above
Atwede	Same as above	Same as above	No Change	Same as above	Same as above	Same as above
Ntrobu	Have access to clan/family land. Migrants route through landlords and perform rites	Access through clan/family head for indigenes and through chief for migrants with drinks	No Change	For indigenes no change but migrants pay drinks money or in kind e.g. supply of building materials	Same as above	Same as above
Akan	Access to family land acquired by VRA for settlers	Limitation due to shortage of land	Same	No Change	No change	No change due to shortage of land

Source: Field Work, October, 2008

Licence lands, in case of food crops and perennial crops attract share-cropping arrangements which include a broad category of land rights arrangements. Firstly, the migrant groups who form whole villages on land belonging to another ethnic group such as the Konkomba on Krachi and Nchumuru lands procure land licensed through their representatives following customary procedures of providing livestock and drinks. Once an agreement is reached all members of the new group have some form of rights to the land allocated to their local migrant Odikro. The migrant Odikro manages the land on behalf of the chief or family granting the land. Full rights to land are transferred under this access route. However, the migrants have no right of onward transfer especially on commercial terms. The community is expected to pay allegiance to their grantors annually and during times of grief and joy as a sign of belongingness since the land was not sold to them.

Secondly, intra-community land borrowing is a widespread source of secondary rights for both indigenes and migrants. Land-stressed families consult land-abundant families for permission to extend into the latter's concessions so as to enable their own lands regenerate fertility-wise. Theoretically, all indigenes in a given community are one family so such arrangements do not involve complex procedures. However, migrants, depending on whether they are new or old, have to negotiate with the landowners. Agreements are contingent upon good behaviour displayed by the tenant over the years. Such agreements are also time bound.

Sharecropping arrangements are of three types; the majority are open unspecified token amounts of farm output that is sent to the landowner as a gesture of appreciation (similar to practice in with licensed lands); the second is the Abunu whereby half of the produce is given to the landowner but with inputs by the landowner while tenants provides all the labour; and the third is the Abusa in which a third of the produce is given to the landowner. From Table 5 sharecropping arrangements are common only in the Ntrobo area. Share cropping is the main source of land rights in Asukawkaw as the three acre plots allocated the people by the VRA in the 1960s were woefully inadequate even for families in those days. The people rely on neighbouring communities through the Abunu and Abusa systems mainly for land. Focus group discussions indicate that sharecropping used to be practiced in the Nkwanta area when cocoa production was in vogue. But as the bush fires of the early 1980s destroyed these farms and the subsequent low productivity and profitability of food crops, the practice was abandoned in favour of the 'free system' that is presenting a token amount in appreciation for use of land. However, with perennial crops, sharecropping or the payment of rent is being

contemplated by the chiefs in Krachi, Borae and Nkwanta as new land rights arrangement. The survey shows that licensing is a major source in the Nchumuru area while, in the Krachi area this source is low due to higher number of indigenes in our sample sites and also the fact that most migrants in Krachi lay claim to the lands they dwell on and cultivate by virtue of long habitation and the role of VRA in allocating lands after the construction of the dam. Sharecropping arrangements are absent in the Krachi and Nchumuru areas as they argued during the discussions that people beg for land to feed their families, hence, the motive for alienating land is humanitarian rather than commercial.

Table 5: Types of land holdings in the Krachi CLS Area

	Traditional Area					Total
	Krachi	Nchumuru	Atwede/Adele/ Chala	Ntrobo	Others	
Free/Gift	5 2.7%	176 94.1%	2 1.1%	1 .5%	3 1.6%	187
Outright purchase	0 .0%	16 55.2%	0 .0%	7 24.1%	6 20.7%	29
Inherited	84 46.4%	41 22.7%	48 26.5%	2 1.1%	6 3.3%	181
Lease	7 9.3%	13 17.3%	29 38.7%	0 .0%	26 34.7%	75
Licence	0 .0%	64 73.6%	0 .0%	0 .0%	23 26.4%	87
Abunu/Abusa	0 .0%	2 11.8%	0 .0%	15 88.2%	0 .0%	17
Total	96	312	79	25	64	576

Source: Field Work: October 2008.

The licensing access route is prevalent in the Krachi and Nchumuru areas because pressure on land is still low and old traditional mentalities of hospitality are not yet eroded. There is however a growing dissatisfaction by the chiefs in the area about the use of land free of charge by migrants. An attempt is being made to introduce a land toll which migrants express anger and threats at. There is a fear expressed by some of the migrants during the FGD that the CLS might open avenues for the chiefs to carry out this exercise. Most migrants acquire

licence land with limited rights compared to indigenes who in some instances, need these lands for shorter durations of time. Indigenes acquiring licence lands go through less complex negotiations while migrants go through complex negotiations under similar situations. The degree of cultivation of perennial crops or commodification of land determines the shift from humanitarian licensing to commercialized sharecropping and leasing systems. Leases are given in the Krachi and Nchumuru areas not just for the monetary benefits but out of fear that the tenants shall claim ownership of the land on which perennial crops are grown.

3.4 Obligations Associated with Land Rights

Rights to land are not absolute but have limitations dictated by their breath and assurance which are important in assessing the level of security inherent in them and with likely impacts on productivity and poverty reduction. Table 6 is a compilation of rights and obligations associated with the different types of access routes to land. An extensive system of permissions is required in order to use lands belonging to others. These depend on the type of access routes to land. Indigenes generally have unlimited rights to land except alienation to others on permanent or commercial basis. In the family system of Nkwanta, family heads rather than the chief can transfer lands. Individual members of families are supposed to be allocated land by family heads, but they can further ask for more land from the Odikro of the village. For residential land no conditions of usage apply but the indigene cannot sell the land out without the consent of the family head or chief since he/she is only a user. Migrants who purchase urban lands can sell out lands but need to pay a certain percentage to the chief (discussions from Nkwanta and Kete Krachi).

With regard to farmland, indigenes have a wide breath of rights to the land, but they cannot transfer these lands under the stool lands systems. They also cannot harvest timber products or large amounts of natural resources for sale except for personal use. Likewise, migrants and other groups are not allowed to transfer their rights to allocated farmlands. Migrants cannot grow perennial crops because this is tantamount to perpetuating their hold over the land. Migrants must be of good behaviour in the community and pay annual tribute of a few tubers of yam and other food crops and join in the celebration of festivals of the indigenes. Women of indigenous background have full access over land, but lose these when they marry. They are temporary users of land belonging to their male siblings or borrowed from other community members. They cannot transfer the land since they don't own it and cannot cultivate perennial crops except with the joint-ownership with a male sibling. These

conditions of usage both protect the land for future generations and at the same time constrain productivity especially of commercial tree crops.

Table 6: Land Rights Arrangements and Conditions of Usage in Krachi CLS Area (compiled from interviews)

Category of person	LAND RIGHTS ARRANGEMENTS AND CONDITIONS OF USAGE			
	Type of land	Mode of acquisition	Conditions of usage/Don'ts	Length of usage
Indigenes	Housing land	Inheritance From chief	Only for personal dwelling Cannot sell out to others without chiefs permission	Life time user and ownership rights
	Farm land	Inheritance From others	Only use rights No transfer rights Food crops only	Life time user and ownership rights
Migrants	Housing land	Purchase or drink money	Permission before resale Can be sacked for bad behaviour affecting the community; witchcraft, adultery	Life time transfer Only for 99 years
	Farm land	Lease Borrow Purchase Gift	Cannot sub-let commercially No perennial crops allowed Ownership rights contingent on continuous use	Based on agreement Contingent on good behaviour and circumstance of landowner
Women	Housing land Farm land	Purchase/free Borrow or share of family land	Permission before resale Continuous subject to marital status Married women lose family lands	Life time transfer Only for 99 years Before marriage
Youth	Housing land	Purchase/free	Personal property	Life time transfer
	Farm land	Share of family land Borrow	User rights only but no limitations Land fragmentation affect size of allocations	Before the conversion to non-farm uses
Physically challenged	Housing land	Purchase/free	Personal property	Life time transfer
	Farm land	Share of family land Borrow	Limited size according to capability User rights only but no limitations Land fragmentation affect size of allocations	Before the conversion to non-farm uses
Elderly	Housing land	Purchase/free	Personal property	Life time transfer/ownership
	Farm land	Share of family land Borrow	Most control land resource so they can use land as they wish and also transfer. Land fragmentation affect size of allocations	Beneficiaries even when land is converted to non-farm uses
Sick (indigene)	Housing land Farm land		Until they get well, they are the responsibility of the family so no allocations made, except to their spouses and children	Dependent on the sick having family or not

Source: Field Work, October, 2008

3.5 Security/Vulnerability of Land Rights

Table 7 is a compilation of rights and associated vulnerabilities with the different types of access or land tenure arrangements compiled from the focus group discussions and interviews with the chiefs and elders. In terms of assurance quality of the lands owned as a measure of the security or vulnerability, the following can be deduced:

- Purchased lands are of the highest security as they enable a wide breath of rights, have minimal or no conditions attached, no time limits except on reverting to natural forest, and high legal protection by both state and traditional systems.
- Leased lands are the next in the hierarchy with lesser vulnerability, because the contract nature of the agreement protects the tenant within the period agreed upon, but limits the land usage to specified uses contained in agreement. Where such leases are documented, vulnerability is low, but unwritten agreements results in problems especially when the landowner dies and the successor decides to renegotiate leases.
- Licence lands are the most vulnerable as little resources are used in accessing them, in most cases they are given free without even drinks or livestock. Since borrowing of land is basically humanitarian rather than commercial, the tenant remains at the continuous mercy of the landowner and must therefore obey the fluid rules and regulations as dictated by social change. The commodification of urban lands is a case in point whereby tenants are forced to move into the bush without any compensation as occurs in Kete Krachi, Dambai and Nkwanta. Also, where commercial plantation interests appear, licencees are relocated or lose their lands without any compensation. The only security for the licensee is that he/she owns the crops and the landowner owns the land, so there is no trespassing by the landowner as long as there are crops on the land.

Gifted land varies in security as the term gift is subject to varying interpretations as time passes by. A gift is supposed to be permanent and is normally in reaction to a good gesture or a humanitarian crisis. Early migrants to Borae for instance were purported to have received land as gifts from the Nchumuru chiefs of the time as a kind gesture to their grandfathers for being either good medicine men or opening up the area to trading. All along both old and young knew the lands were their own until only two years ago, the chief started selling “zongo” lands which belong to them. Landowners do not want to document gifted lands as

land transfers and this leads to their successors reducing these land rights to the status of licensed lands. A second case in point is that involving the Chalas and the Atweddes of Nkwanta. The Chalas were given land by the Atweddes a century ago and told to cultivate towards a certain geographical orientation.

Table 7: A Typology of Land Rights and Vulnerabilities in the Krachi CLS Area (compiled from interviews)

Access routes	Associated land rights	Level of Security/vulnerability
.Directly from Chiefs		
a. Leased	<ul style="list-style-type: none"> ▪ Cultivate specified crops ▪ Has a maximum tenure period ▪ Have rights over natural resources ▪ Can intercrop food crops with perennials ▪ Can sub-let farm to friends and family ▪ Can renew lease upon completion 	<ul style="list-style-type: none"> ▪ Contract cannot be abrogated except under serious accusations.
b. Licenced	<ul style="list-style-type: none"> ▪ Cultivate mainly food crops/annuals ▪ Tenure period dependent on behaviour ▪ Have rights over natural resources ▪ Can practice bush fallow system ▪ Can give part of land to only family 	<ul style="list-style-type: none"> ▪ Specific/limited use rights ▪ Can be asked to leave anytime ▪ May lose investments in land
c. Gift	<ul style="list-style-type: none"> ▪ Cultivate both perennial and food crops/annuals ▪ Theoretically unlimited tenure ▪ Have rights over natural resources ▪ Can practice bush fallow system only within allocated plot ▪ Can transfer land to third party 	<ul style="list-style-type: none"> ▪ Wide range of breath of rights ▪ All uses possible ▪ No time limit but land can be contested by descendants of original owner upon commodification
Family Inheritance	<ul style="list-style-type: none"> ▪ All uses possible ▪ Total rights to all natural resources except timber ▪ Can lend land to neighbours, friends and migrants ▪ Cannot transfer land 	<ul style="list-style-type: none"> ▪ Family head controls land resources ▪ Inheritance rules can be varied by person administering them ▪ Group owned land cannot be transferred
VRA	<ul style="list-style-type: none"> ▪ Land is personal property and can be used anyhow and forever ▪ Rights of transfer ▪ All investments possible without permission from anyone 	<ul style="list-style-type: none"> ▪ Documented land with legal backing
Purchased land	<ul style="list-style-type: none"> ▪ Cultivate both perennial and food crops/annuals ▪ Theoretically, unlimited tenure ▪ Have rights over natural resources ▪ All farming systems allowed ▪ Can transfer land to third party 	<ul style="list-style-type: none"> ▪ Documented land with legal backing ▪ Perennial crops are a sign of permanent ownership unless it reverts to forest

Source: Field Work, October, 2008

The assumption was that under the bush fallow system all lands lying in front of their farms belonged to them. When the Chalas had a land dispute with the Adeles, the Atweddes

supported and protected the Chalas by asserting that they gave out those lands to them. As at now the Chalas and the Atweddes are engulfed in a land dispute about the ownership of the same lands though they agreed it was a gift. What then is a gift? A temporary transfer of possession or a genuine transfer of ownership?

Table 8: Mode of Acquisition of Land by Different Vulnerable Groups in Krachi CLS Area

Category of persons	Mode of Acquisition						Total
	Free/Gift	Outright purchase	Inherited	Lease	Licensed	Abunu/Abusa	
Indigenes	173 40.1%	9 2.1%	124 28.8%	31 7.2%	87 20.2%	7 1.6%	431
Migrants	154 47.4%	15 4.6%	19 5.8%	49 15.1%	75 23.1%	13 4.0%	325
Women	139 51.5%	3 1.1%	27 10.0%	26 9.6%	70 25.9%	5 1.9%	270
Youth	143 52.6%	7 2.6%	40 14.7%	15 5.5%	64 23.5%	3 1.1%	272
Physically challenged	1 6.7%	3 20.0%	7 46.7%	4 26.7%	0 .0%	0 .0%	15
Elderly	3 9.1%	1 3.0%	21 63.6%	6 18.2%	2 6.1%	0 .0%	33
Total	613	38	238	131	298	28	1346

Source: Field Work: October 2008.

All groups in the area accessed lands using the different land rights arrangements outlined in Table 8. Most migrants just as indigenes used free customary lands meaning that they had inherited licensed lands from their fathers and are assuming indigene status. These claims are strong in the rural areas but limited in urban areas where both indigenes and migrants lose lands to family heads and chiefs who are accorded control and the right to transfer land. Similarly, the youth and women have free or gifted land as major source of access. Here, it is by virtue of the fact that nothing was paid for the land rather than gift as a transfer of land. Apart from the indigenes for whom inherited lands came second as primary source of rights, all other groups had licensing/borrowing as the second most important source of rights. Indigenes generally have higher levels of security than migrants. Within the indigenes and

migrants, their women, youth and physically challenged are less secure than the elderly in accordance with customary practices.

Land comprises the physical crust and other natural resources found on it. We also assessed the access forms people have to natural resources found on the physical land. Table 9 shows divergent responses to what we ascertained during the focus group discussions. Fuel wood and wild fruits seem to be the only resources to which indigenes had overwhelming access. During the focus group discussions, all participants claimed that access to natural resources as listed in Table 9 were guaranteed to all members of society. The only resource to which there was a limitation was timber for construction purposes. We suspect the understanding of respondents to the question was about accessing resources outside their farms.

Table 9: Type of Natural Resources Migrants and Indigenes have Access to

	Status		
	Indigene	Migrant	Total
Fuel wood	93 69.9%	40 30.1%	133
Wood/timber	31 55.4%	25 44.6%	56
Game	28 51.9%	26 48.1%	54
Wild fruits	155 77.5%	45 22.5%	200
Grazing land	21 75.0%	7 25.0%	28
Quarrying	11 91.7%	1 8.3%	12
None	15 45.5%	18 54.5%	33
Total	354	162	516

Source: Field Work: October 2008.

A major important aspect of the rights of individuals is that all access forms to land guarantees the user's rights to natural resources found on that piece of land. In the past it was possible to access natural resources and even food crops on the lands of others but these days it is easily mistaken for theft so people do not dare trespass. Unfortunately, contrary to the literature on common access areas in rural Africa, there are no such common lands in the area

except forest groves which cannot be trespassed. All vacant lands are owned so permission needs to be sought for specific uses. All can access wild fruits freely, but fuel wood and timber in commercial quantities are not allowed. Fallowed land is accessible to all in terms of natural resource harvesting but this is not to be equated with common resource zones because there are specific owners of these lands.

The socio-economic, demographic and biophysical changes taking place in the form of monetisation of the economy, urbanisation, land fragmentation, unfavourable climatic conditions and its social translation have vibrated through the land tenure systems with serious effects on security of land rights. Before the Volta Lake Project, land was abundant and laid the foundation for free tenure arrangements. At that time the land was forested while tree crops were grown. But now or after the dam, land is scarce and food crops have taken over tree crops.

The effects of these processes have been the conversion of lands in urban and peri-urban areas from farm uses to non-farm uses, and in rural areas instances of subsistence uses to commercial uses and tree plantations especially teak. Conversions of this nature need to be managed, and it is the allodial title holders who administer custom who eventually have the final say as to who benefits and who loses out. In the urban areas of Krachi, Dambai and Nkwanta land speculators and various individuals have bought up some lands within one kilometre perimeter around the towns. Both indigenes and migrants fall prey to these changes. People are forced to go deeper into the bush for farmlands, reduce the size of farms, change type of crops grown or borrow land from non-family sources.

The increasing commodification of land (the chiefs and family heads argue there are no land sales, but only drink money is received), and the increasing tendency for some farmers to go into commercial plantations of perennial crops and yam have led to what appeared to a worrying trend of discrimination in allocating land within families and more especially against women and also other marginalised groups. Such discrimination appears to be higher among the Nchumuru and the Nkwanta tribes. The number of people having difficulties accessing family lands is highest in Nkwanta area and to a lesser extent among the Nchumuru and other settler tribes (see Table 9). While vulnerable groups in Krachi are not discriminated against in an absolute sense, relatively they receive smaller parcels of land and in distant places. Such palliative measures affect the well-being of these groups. The ease with which one loses farmland is highest again in the Nkwanta area reflecting a negative adaptation of the

traditional tenure system to modern processes as allodial title holders immerse themselves in the new cash economy.

The groups most affected by these difficulties include migrants, women and children, the youth, indigenes and the elderly in order of declining severity (see Table 10). Migrants face more difficulties in migrant settlements, in the Ntrobo and the Krachi areas. In the family owned systems of Nkwanta, indigenes face the most problems as commodification of land and land fragmentation necessitate the movement of farmers further afield. In general Krachi and Nchumuru women may face more problems of accessing land and more vulnerable as their access is usually through their husband and brothers. Their male children may also be vulnerable in the absence of their fathers. However, a well behaved person may have access to the land of their maternal families. In addition women in Krachi and Nchumuru areas may not have access to major fertile land as shown in Table 11

Table 10: Difficulties Faced by People Affected by Modern Changes in Land Tenure in Krachi CLS Area

	Traditional Area					
	Krachi	Nchumuru	Atwede/Adele /Chala	Ntrobo	Others	Total
They are discriminated against under inheritance rules	8 8.1%	33 33.3%	31 31.3%	1 1.0%	26 26.3%	99
They have difficulty getting family land to farm	13 12.3%	19 17.9%	58 54.7%	0 .0%	16 15.1%	106
They have difficulty acquiring land from odikros to farm	33 33.3%	15 15.2%	41 41.4%	0 .0%	10 10.1%	99
They easily lose farmlands	23 21.3%	22 20.4%	51 47.2%	1 .9%	11 10.2%	108
They are given less fertile land	16 39.0%	18 43.9%	5 12.2%	1 2.4%	1 2.4%	41
They only get small plot to farm	33 30.6%	18 16.7%	48 44.4%	1 .9%	8 7.4%	108
Total	126	125	234	4	72	561

Source: Field Work: October 2008.

The nature of the changes in land tenure arrangements as perceived by both gender groups in the area are shown in Table 12. Most women pointed to;

- high land prices
- changes in tenancy agreements and
- formalisation of land transactions as the most pervasive changes with wider implications.

In addition to the changes men identified, a slow but emerging trend whereby:

- inheritance rules are being changed;
- more people renting land for a fee;
- difficulty of the poor in accessing land, and
- a general and obvious observation that some people are benefiting from the land and land transactions to the detriment of others.

Our focus group discussions indicate that in the Nkwanta and Dambai areas some parents now allocated property to their daughters too as against the male inheritance system in Krachi and other Nchumuru areas across the Volta Lake. Oil palm and teak plantations are emerging in some of the areas thereby necessitating a new market logic rather than traditional survival. The emerging land disputes following the commodification of land now demands formalisation of land transactions as new forms of assurance mechanisms against force evictions.

Table 11: Groups Most Affected by Changes in Land Rights Tenure Systems

	Migrants	Women and Children	Youth	Indigenes	Elderly	All groups	Total
Krachi	14	9	8	1	2	1	35
%	40	26	23	3	6	3	100
Nchumuru	7	10	1	0	0	10	31
%	23	32	13	0	0	10	100
Nkwanta tribes	6	1	5	5	2	0	19
%	32	5	26	26	11	0	100
Ntrobo	1	0	1	0	0	0	2
%	50	0	50	0	0	0	100
Others	12	1	3	0	1	0	17
%	71	6	18	0	6	0	100
Total	40	21	21	6	5	11	104
%	39	21	21	6	5	11	100

Source: Field Work: October 2008.

Table 12: Nature of Changes in Land Tenure Systems by Sex

Traditional Area		What is the nature of these changes							Total
		Land prices are higher	Terms of tenancy agreements have changed	Land transactions are more formal than they used to be	Land inheritance rules have changed	More people are paying rent for farm lands	Difficulty for some people to acquire land	Some people are benefiting more from land than others	
Krachi	Male	25 24.5%	19 18.6%	16 15.7%	14 13.7%	4 3.9%	15 14.7%	9 8.8%	102
	Female	7 38.9%	6 33.3%	3 16.7%	1 5.6%	0 .0%	1 5.6%	0 .0%	18
	Total	32	25	19	15	4	16	9	120
Nchumuru	Male	11 27.5%	10 25.0%	3 7.5%	4 10.0%	10 25.0%	1 2.5%	1 2.5%	40
	Female	5 29.4%	4 23.5%	1 5.9%	4 23.5%	2 11.8%	1 5.9%	0 .0%	17
	Total	16	14	4	8	12	2	1	57
Atwede/Adele/Chala	Male	31 20.8%	43 28.9%	35 23.5%	17 11.4%	6 4.0%	9 6.0%	8 5.4%	149
	Female	14 24.6%	18 31.6%	14 24.6%	5 8.8%	2 3.5%	4 7.0%	0 .0%	57
	Total	45	61	49	22	8	13	8	206
Ntrobo	Male	1 33.3%	2 66.7%						3
	Total	1	2						3
Others	Male	6 31.6%	6 31.6%	4 21.1%	2 10.5%		1 5.3%		19
	Female	1 25.0%	1 25.0%	1 25.0%	0 .0%		1 25.0%		4
	Total	7	7	5	2		2		23

Source: Field Work, October, 2008

But these are limited to migrants and educated indigenes who understand their vulnerable positions. The level of poverty is high especially among non-trading women, the physically challenged and a section of the youth who cannot pay the new rents charged for land or acquire urban land for residential purposes. It is inconceivable that a landlord will allocate a

substantial portion of family land to his own members for free when a ready market exist from rich migrants.

In Nkwanta urban lands are sold for between 300 and 1500 new Ghana cedis, while in Dambai it ranged from GHC150 to GHC1000 and between GHC200 to GHC1000 in Kete Krachi depending on nearness to the road and the centre of town.

3.6 Women's Access to Land

In an interview with the Adele chief in Nkwanta, he stressed that:

"Both sexes have equal rights to acquire land in this area provided he/she follows the right channel and has money to pay for the price of the land. There's no discrimination. It used to be the case in the olden days. But it is no more the case now. In the olden days, females were discriminated against. Lately, all is about money".

In the urban setting discrimination against women in land transactions is on the decline as the ability to pay supersedes all other considerations. Women may require intermediaries in land transactions just as strangers do. It means that indigenous women are equated to migrants in this regard. Consideration is however given to indigenous women with regard to price and choice of plots with the argument that the property shall be the pride of the community of indigenes (interview in Krachi).

Inheritance systems are still awesomely against women in both urban and rural areas as male heads inherit all land property with oversight responsibility to make sure female siblings can make a living with their allocations if the need arises. Women are not part of the mathematics in allocating land unless they express the need and interest and outline their plans before the head of family. Male counterparts are automatically entitled to both family and community lands with wider breadth of rights than women.

Women are said to assist their husbands on family farm for the collective good of the family. The role of women is both in production and reproduction. Women venturing outside this structure are few in response to the general macroeconomic context of Ghana demanding more cash income to meet contingencies and improve wellbeing. Most of the women argued during the focus group discussions that lack of capital prevents them from engaging in farming rather than land constraints because land can be licensed if their own families denied them. The ease with which land is licensed in the community, in addition to the emerging leasing system which is gender blind to a greater extent, guarantees the modern woman access to land with better security than in the past.

Women generally pass through their husbands or other men to access land. Farming land is used by all but males are given prerogative. For commercial cultivation, women must follow some procedures as visitors to access it from odikro. Women are only temporary users and not permanent users. Women ONLY have user rights and never acquire permanent rights to land in the traditional tenure system because of the argument that they shall get married and transfer the land to an 'alien' family or tribe to the detriment of the original family. The woman's offspring are allowed to use her family's land but are never given permanent traditional rights as their cousins from the male siblings.

3.7 Relevance of Land and natural resource Rights to Current Socio-economic Change

The current land rights in the Kete Krachi CLS area are as relevant as they have been since pre-colonial times. The access forms to land in the area can be described as one of the easiest and less expensive in the country similar to that which exists in the northern parts of Ghana. The land tenure systems enable people easy access to land for economic and social reproduction. Access rights to natural resources which are critical for survival in the face of shocks such as drought, flood and high food prices, are common to all in society. This characteristic of the tenure system is important for the achievement of sustainable livelihoods by allowing people to cope with impending situations until the period of recovery. Also, the move to off-farm activities especially by women who gather shea nuts, dawadawa and other natural fruits fits well with the tenure system that allows free access to natural resources present on cultivator's farm and fallow lands. The minimal rents exacted by landlords encourage more migrants to settle and this account for the high diversity of other tribes in the area and consequently the status of the area as Ghana's yam basket.

How responsive are the land rights to socio-economic change? The current rights structure is a conflagration of past and an evolving rights structure still in a phase of negotiation in response to impulses from structural adjustment policies, population and bio-physical conditions. The increase in leasing for perennial crops is a case of an appropriate response of traditional land rights to the monetisation and profit-seeking behaviours of modern men and women. As many rural people are still poor, the system still maintains the humanitarian dimension of land rights allowing these groups of people access to land for subsistence, though without the security that people in the evolved or paying systems have.

The failure of the traditional systems in checking abuse and strengthening the security of rights holders is a major shortcoming that needs to be addressed. The fluidity of traditional interpretations of traditional rules and the leeway given to those who administer custom with the rules written in their memories always produce different levels of security and vulnerabilities to different people. For subsistence cultivation, the current rights structure is highly appropriate, but highly unfavourable for commercial cultivation that involves high investments and demands guaranteed security of possession. There is an increasing tendency for formalisation of the land acquisition procedures to protect both the landlord and the tenant. In urban areas there is an increasing competition for building plots and this has resulted in increasing commodification of building plots and formalisation of the acquisition process to reduce the spate of conflicts/litigation and to respond to urban planning requirements. The operations of the CLS would be useful in clarifying different rights structures to allow the formalisation of land transactions that will itself increase security and enable the confidence that many migrants need before making substantial long term investments on their lands. Times are changing and the people in the area have realised the need to institute measures to protect both landlords and tenants. However, the role of the state is important in codifying traditional rules and norms and merging these with modern trends and law. Of crucial importance is a definition of the role of the allodial title holder which seems to be abused countrywide.

3.8 Summary

Rights to land in the Krachi CLS area can be conveniently categorized into primary and secondary rights according to the source of the right. Primary landholding relates to the original right holders of a piece of land or acquired land which has ownership as its legal background. All indigenes have a birth right to land. Secondary rights are derived rights obtained from primary right holders. Land fragmentation, and the desire for specific biogeographical conditions and migration, account for the necessity of obtaining secondary rights. These are often in the form of share-crop arrangements, renting, leasing, contracts and licensing.

Primary rights in all research sites are obtained by virtue of belonging to a particular community with ownership rights over the piece of land. The nature of these rights varies according to whether it is family owned land or stool lands. Primary rights to land under the

family system of Nkwanta have better breath, duration and assurance than under the stool systems of Krachi, Nchumuru and Akan. Theoretically, all people under stool lands are only land users and not owners. Primary rights preclude the right to transfer land which is an important component of security of land ownership.

Women's rights to land are tied to male members of the community. These lands can be used by women just as men do without limitations. Changes in marital status of women also lead to changes in their tenure situation. The more abundant land is the unlimited rights women have and vice versa.

Migrant communities in Nkwanta claim to have primary rights over their lands and tend to merge their own traditional tenure systems with those of the indigenes. People here have free access to lands for cultivation of both perennial and food crops. However, the Nkwanta chief and the respective family owning that section of the land can re-enter the land as long as it is not being used based on reciprocal negotiations. These rights are already being eroded and transformed into unsecure secondary rights under pressure from commodification and population increase.

Secondary rights to land are used by all groups of people be they indigenes or migrants. Licensed lands are the most unsecure with several limitations with the most important being inability to cultivate perennial crops. Leased lands are more secured than licensed lands. Share-cropping arrangements have clearer rules and guarantee the tenant his fair share of agreed output. Associated rights such as ability to harvest natural resources on granted lands make secondary rights conducive for poor families to make a living from multiple uses of land and natural resources extraction. However, the risk of losing land is ever present since rules are fluid and subject to the interpretation of the allodial title holders who administer custom based on changing physical, economic, demographic and social conditions. The non-existence of clear rules or the changing nature of rules without written contracts is a major hurdle for ensuring security of secondary rights.

In terms of assurance quality of the lands owned which measures the security or vulnerability, purchased lands are of the highest security as they enable a wide breath of rights. Leased lands are the next in the hierarchy with lesser vulnerability, because the contract nature of the agreement which protects the tenant within the period agreed upon, but limits the land usage to specified uses contained in agreement. Where such leases are documented, vulnerability is low, but unwritten agreements results in problems especially when the landowner dies and the successor decides to renegotiate leases. Licensed lands are

the most vulnerable as little resources are used in accessing them, in most cases they are given free without even drinks or livestock. Gifted land varies in security as the term gift is subject to varying interpretations as time passes by.

Different groups of people suffer different levels of vulnerability. Indigenes have more certainty and protection than migrants. Women under both categories have more problems accessing and maintaining allocations than men. Due to patriarchal relations the youth are less advantaged than the elderly. The physically challenged and the sick are considered to be the responsibility of family members; hence in most instances their rights are frozen or limited until they have the ability to engage in normal productive activities. It is both discrimination and a dependency syndrome on the part of the sick and the physically challenged.

The crave for wealth through land sales and renting to commercial plantation owners has led to a worrying trend of discrimination in allocating land within families and more especially against women. Such discrimination is highest among the Nchumuru and the Nkwanta tribes. The number of people having difficulties accessing family lands is highest in Nkwanta area and to a lesser extent among the Nchumuru and other settler tribes. While vulnerable groups in Krachi are not discriminated against in an absolute sense, relatively they receive small parcels of land and in most cases in less fertile sections. The ease with which one loses farmland is highest again in the Nkwanta area reflecting a negative adaptation of the traditional tenure system to modern processes.

The current land rights in the Krachi CLS area are as relevant as they have been since pre-colonial times. Access to land by the poor is guaranteed under the current arrangements even though they may easily lose such rights and forced to relocate. The commercialisation of land transaction using the leasing system is a sign of modernisation in favour of enhancing security of tenure. Such transactions will form the basis for registrations of interest with the CLS. Making the various rights in the area more relevant to socio-economic conditions demand the roles of different actors including, chiefs, family heads, land users and government regulatory functions.

CHAPTER FOUR: LAND USE CHANGE IN THE AREA

4.1 Introduction

Land use change is a major characteristic feature of the development process. Precipitated largely by both external and internal forces, these changes have often generated a lot of concerns and widespread contestations between the different actors in the land market. Usually the marginalized sections of the society-youth, women, physically handicapped, migrants, and the aged tend to be losers in these transactions as they have weak purchasing power and few alternatives to turn to. In Ghana, land use change appears to be fuelled by three (3) main forces. First, the rapid urbanization being experienced in the country has generated increasing pressure for landowners to sell rural and peri-urban farmlands for conversion into residential buildings, usually to the highest bidder and to the detriment of people who have previously farmed these lands. Even where compensation is paid, it might go to the landowners instead of the tenant farmer who has invested labour in transforming and enriching the land. Fallows and uncultivated lands may be unacknowledged and uncompensated. Second, increasing capital flows into Ghana by Ghanaian expatriates and foreigners have also aided the expansion of demand for land for certain development activities, especially housing estate development. This has also contributed towards the increases associated with these changes. Lastly, the emergence of commercial agriculture in certain parts of the country, especially in rural communities in recent years, has led to the conversion of peasant lands into commercial agricultural plantations.

Based on responses obtained from interviewing various actors in the landmarket in the study area, this chapter provides insights on relevant changes that have occurred in land use in the Kete Krachi Customary Land Secretariat (CLS) area. The presentation is in two parts. Part one discusses the conversion of agricultural lands to non-agricultural uses by describing these conversions in terms of proportion of agricultural lands converted to non-agricultural uses converted, timing and current use of converted lands. It also specifies the benefits and problems associated with these conversions as well as suggestions for improvements of these conversions. Part two delves into changes in the farming systems in the area with special focus on subsistence/commercial production systems.

4.2 Conversion of Agricultural Lands to Non-Agricultural Uses

4.2:1 Conversion rates

Conversion rates of farmlands into non-agricultural uses were generally found to be low in all the studied areas in the Krachi Customary Land Secretariat (CLS) area.

Table 13: Farmland Conversions and Respondents Socio-Economic Characteristics

CHARACTERISTIC		Converted		Not Converted		TOTAL
		Freq.	%	Freq.	%	
A	SEX					
	Male	58	21.2%	216	78.8%	274(100.0)
	Female	6	7.3%	76	92.7%	82(100.0)
B.	HIGHEST LEVEL OF EDUCATION					
	None	8	7.5%	98	92.5%	106(100.0%)
	Primary	3	10.3%	26	89.7%	29(100.0%)
	Middle/JSS	29	21.8%	104	78.2%	133(100.0%)
	Vocational/Com./Tech	2	10.0%	18	90.0%	20(100.0%)
	O-Level/SSS/A-Level	5	18.5%	22	81.5%	27(100.0%)
	Training College/Poly	8	40.0%	12	60.0%	20(100.0%)
	University	9	50.0%	9	50.0%	18(100.0%)
C	LOCATION OF RESPONDENT					
	Rural	21	15.0%	119	85.0%	140(100.0%)
	Urban	34	22.4%	118	77.6%	152(100.0%)
	Peri-urban	8	16.0%	42	84.0%	50(100.0%)
D.	DISTRICT					
	Krachi East	16	13.1%	106	86.9%	122(100.0%)
	Krachi West	28	18.7%	122	81.3%	150(100.0%)
	Nkwanta	19	27.1%	51	72.9%	70(100.0%)

Source: Fieldwork, October, 2008

The rates range from 6.7% in Krachi's immediate environs to 5.6% in Nchumuru 3.2% in Ntrobo, 2.3% in Atwede/Adele and Chala to 0.6% in the remaining studied areas (See Tables 13 and 14). Most of the conversions took place in urban (44.4%) followed by rural (40.9%) and peri-urban (14.6%) areas.

Table 14: Conversion of Farmlands to Non-Agricultural Use in the Krachi Pilot Customary Land Secretariat (KKPCLS) Area

Responses	Traditional Areas in Kete Krachi					
	Krachi	Nchumuru	Atwede/Adele/Chala	Ntrobo	Others	Total
YES	23 (6.7%)	19(5.6%)	8(2.3%)	11(3.2%)	2(0.6%)	63(18.4%)
NO	68(19.9%)	113(33.0%)	42(12.3%)	9(2.6%)	47(13.7%)	279(81.6%)
Total	91(26.6%)	132(38.6%)	50(14.6%)	20(5.9%)	49(14.3%)	342(100.0%)

Source: Fieldwork, October, 2008

From the above analysis, therefore, conversion of farmlands into non-agricultural uses has been low in the study area. In addition, socio-economic and demographic variations among responding land users who have experienced farmland conversions were very minimal. Thus, no notable differences were observed in the responses provided by the various socio-economic groups that were represented in the study's sample frame. Male domination of the land market may help explain this tendency as access to land by women, the youth and migrants is largely dependent on husbands and grown up males in the Krachi CLS area.

4.2:2 Proportion of Lands Converted

In terms of proportion of farmlands that have been converted into non-agricultural uses, Table 15 provides a summary of the responses gathered from our respondents. About 36% of conversions involved half of the entire land area under cultivation. This is followed by a quarter conversions which attracted 24.3% of the responses and finally by total conversions (20%) and just a little conversions (20%).

Table 15: Proportion of Farmlands Converted to Non-Agricultural Uses in the Area

Proportion Involved	Frequency	%
All converted	14	20.0%
About Half(1/2) converted	25	35.7%
About a quarter(1/4) converted	17	24.3%
Just a little converted	14	20.0%
Total	70	100.0%

Source: Fieldwork, October, 2008

4.2:3 Periods of Conversion and Current Use of Converted Lands

As illustrated on table 16, more than half of the conversions (52.3%) took place more than ten (10) years ago. This is followed by conversions that have taken place about five (5) years ago (40.0%) and those that took place about ten (10) years ago (6.2%).

According to the Atwede Chief and his elders at Nkwanta, a lot of these conversions took place after the 1983 bushfires when almost all of their cocoa farms got burnt. They have subsequently replaced cocoa cultivation with cassava and maize production on these lands. At the FGD at Asukawkaw, participants indicated that in addition to the 1983 bushfires, the outbreak of the swollen shoot disease affected their decision to abandon cocoa farming in favour of food crop growing. Conversions appear to have slowed down in recent years probably due to the unfolding tensions in the land market as a result of increases in population that are being experienced in the Krachi CLS areas. Also the need for such conversions is no longer economically beneficial. Most of these conversions (about 40%) have taken place in the Krachi area in periods exceeding ten (10) years.

Table 17 provides insights into the current use of converted farmlands. More than a third (37.7%) of converted lands has been used for housing development. Another one third have been utilized for the provision of social services while infrastructural development took up 14.5% of these lands. Interestingly, the development of afforestation schemes, especially teak cultivation, which is steadily gaining attention and importance in the area utilized 11.6% of these converted lands.

Table 16: Onset of Farmland Conversions

Period of Conversion	Frequency	%
Less than a year	1	1.5%
About 5 years ago	26	40.0%
About 10 years ago	4	6.2%
More than 10 years ago	34	52.3%
Total	65	100.0%

Source: Fieldwork, October, 2008

The cultivation of teak has gained some prominence in the area lately due to the view held by some landowners that it provides a better insurance against poverty during old age.

Table 17: Current Use of Converted Land

Present use	Frequency	Percentage
Housing development	26	37.7%
Social services provisions (schools, clinics)	25	36.2%
Infrastructural provision	10	14.5%
Forest land	8	11.6%
Total	69	100.0%

Source: Fieldwork, October, 2008

4.2:4 Benefits and Problems Associated with Farmland Conversions

About 37% (36.8%) of the respondents indicated that they have realized no benefits from these conversions. The remaining 63.2% however claimed to have derived benefits such as improved social services and infrastructural facilities, especially better motorable roads and improved healthcare system. And as already stated above, conversions to the cultivation of teak and certain commercial crops are seen by the respondents as insurance against old age poverty. Most of these benefits were experienced within the Krachi West District where most of the conversions had taken place. Problems cited by respondents in connection with farmland conversions have been provided on Table 18. Loss or shortage of farmlands (41.7%), displacement or relocation from normal place of residence (16.7%), low returns from current farms (13.3%), stagnation of either livelihood or economic activities (6.7%) and non payment of compensation for these conversions (5.0%) were the major problems outlined by the respondents who have experienced land conversions. Ten (10) of the respondents (16.7%) however did not experience any problems with the conversion process. Majority of the problems associated with conversions were experienced within Krachi and Atwede/Adele/Chala traditional areas.

Table 18: Problems Associated With Farmland Conversions

Problem(s)	Frequency	%
Displacement/Relocation	10	16.7%
Loss of /shortage of farmland	25	41.7%
No Compensation paid	3	5.0%
Stagnation of livelihood/Economic activities	4	6.7%
Low returns from farm	8	13.3%
No problem(s) experienced	10	16.7%
Total	60	100.0%

Source: Fieldwork, October, 2008

4.2:5 Suggestions to Make Conversions More Beneficial

Respondents made several suggestions for improvements in the benefits of these conversions. About 80% (80.4%) of them intimated that compensation should be paid to affected persons in full and timely too while others suggested that the converted lands should be used primarily for the provision of social services (12.5%) to enhance their living standards. Others mentioned that bye-laws should be enacted to ensure security of land tenure (7.1%) and help protect their interests in the land (See Table 19).

Table 19: Suggestions to Make Conversions More Beneficial

Suggestions	Frequency	%
1. Compensation should be paid to affected persons	45	80.4%
2. More basic services need to be provided	7	12.5%
3. Enact bye-laws to ensure security of land tenure	4	7.1%
Total	56	100.0%

Source: Fieldwork, October, 2008

4.3. Changes in Farming Systems

Several narratives provided by respondents point to the fact that some changes have occurred in the farming system within study area. Some of them have been reproduced below;

- i) According to the Chief and Elders of Brewaniase *“a group of white men came here recently to negotiate for a vast plot of land for the establishment of oil palm plantation. We’ve been able to give them more than necessary.”* The chief and his elders further alluded to the fact that *“bushfires and swollen shoot problems that occurred sometime ago have reduced the number of people involved in cocoa farming in the area and that some of them have turned to the growing of oil palm trees.”*
- ii) During the interaction with the chief and elders of Dambai, the following was also said about some changes that have occurred in the farming system lately;
“We’ve just started establishing teak and oil palm plantations and we are very hopeful that it will become major assets for us in the future. In the past we have grown only yam, cassava and other foodstuffs.”
- iii) At the FGD at Dambai, a participant remarked that ;
“Some of us have now started growing other things (apart from food crops) such as moringa, oranges, teak and oil palm trees.” Asked whether migrants could also grow these cash crops, the response was that *“lately the chief and his elders here have decided that any migrant who wants to grow such crops should come and see Nana for the necessary papers (contracts) to be made.”*
- iv) At Yarega, a participant at the FGD indicated that he started cultivating oil palm trees and teak about ten (10) years ago. He opined that the use of his existing farmland for the cultivation of these commercial crops was not a threat to his children having their own farmlands in the future. He contended that education is the order of the day and that was the reason why he was spending a lot of money to educate his children in schools.

The implications of the foregoing are that;

- Increasing conversion of land for food crop production to that of commercial/perennial crops could result in shortage of land for food crop production and possible increase in insecurity to land for food crop production.
- Tendency for strangers to acquire large tracts of land meant for food crops for commercial agriculture. This could create shortage of land for the local residents for food crop production.
- These developments are likely to lead to a worsening of the situation of the vulnerable (youth, women, migrant) regarding access to land.

4.4. Conclusion

This chapter has reviewed landuse changes that have occurred in the Krachi Customary Land Secretariat area. Conversions have occurred mainly in the agricultural sector where farmlands have been changed into other uses like housing construction and the provision of social services and infrastructure. Generally conversion rates have been low in the entire area. Most conversions also took place more than ten (10) years ago and involved half (1/2) of the farmlands. Conversions have focused on transforming previous farmlands into housing development and problems associated with these conversions were mostly loss of and shortage of farmland and displacement or relocation of farmers and low returns from current farm production. Spatial and socio-economic differences in conversions between the studied areas and the different land users were minimal. In all respects, male dominance and the prominence of Krachi West in these conversions were clear. More efforts should be made to reduce some of the associated problems cited above as these changes are inevitable in this contemporary world.

CHAPTER FIVE: AN ASSESSMENT OF CUSTOMARY LAND SECRETARIAT (CLS) IN THE KRACHI TRADITIONAL AREA

5.1 Introduction

Customary Land Secretariats (CLS) exist to provide effective and accountable local structures towards the improvement of land management and administration in Ghana. The ultimate goal of CLS offices is the provision of database on landownership which has multiple benefits in terms of eliminating conflicts, enhancing security, broadening rights to land via formal transactions and generally encouraging both national and international investments in land. This goal is to be achieved through:

- a) Mapping and recording of all land allocations from 2003 onwards;
- b) Establishing of a systematic record of all land holdings throughout the customary area through a lands right registration process, village by village, and
- c) Setting up a complete archive of all existing land records for the Community Land Administration (CLA).

In certain areas, CLS already exists and therefore may only need to upgrade their structures and methods of operation. In others, however, they are in their embryonic stages and therefore require substantial work on institution building. Also, given the great diversity of Ghana's land problems, a more careful and measured approach in which the strengthening of the CLS is tailored to local circumstances is needed. Therefore CLS offices are expected to have a good working relationship with District Assemblies and other related bodies that have certain powers and responsibilities regarding land use management. The operation of CLSs is likely to lead to promotion of effective links with a range of local institutions and peoples, including civil society and other organizations representing migrants, women, physically challenged, the aged and youth groups to facilitate their full participation in CLS activities.

This will allow for the provision of test cases for experimentation in the use of more flexible, firmer, less costly and simpler means to land rights than those available through formal regulatory processes.

The Krachi Pilot CLS Area was established two years ago (2006) to improve land management and administration within the Krachi CLS Area. It is still in its embryonic stage. Its major focus has been the sensitization of the public on its assigned roles and responsibilities. What is crucial is for the CLS to initiate a flexible approach for establishing land holding records and the possibilities for innovation and lesson learning. However improper diagnosis and consultations with stakeholders can create problems for the realization of these synergies and, therefore, the future success of the CLS. At this point of its existence, it has become imperative to investigate the present conditions underlying the operations of the CLS with a view to suggesting measures for possible intervention towards upscaling its roles and responsibilities in the coming years. This is to be achieved through:

- i. Assessing the level of awareness of CLS and the degree of its acceptability by different socio-economic groups;
- ii. Identifying barriers that people face in accessing the services provided by CLS; and
- iii. Recommending measures for overcoming these challenges and improving upon the quality of service delivery envisaged under the operations of the Secretariat.

The chapter is divided into five sections. In addition to this introductory section, section two (2) delves into the awareness of the existence and role of the CLS whiles section three (3) reviews the levels of acceptability of the concept of CLS. The fourth section is devoted to an assessment of the potential benefits and areas of interest of different stakeholders/landusers in the CLS area whiles the challenges and potential threats to the CLS are discussed under section five (5).

5.2 Awareness of the Existence and Role of CLS

As indicated in the earlier section of this chapter, the CLS at the Kete Krachi was established about two years ago and its basic activity has been the sensitization of the public of its planned programmes. This has included visits to villages to sell the idea of the secretariat to chiefs and landusers and enumerating the benefits to be achieved with an efficient land management system that is characterized by extensive documentation. To be able to assess the effectiveness of this exercise, the study probed into the extent of awareness of the existence and role of the CLS in the studied communities and areas.

Table 20 provides insights into the socio-economic profile of respondents to our questionnaire interview and the responses provided on their awareness of the existence of the CLS. More males claimed knowledge of the existence of the CLS than females. However, more males (about 73.0%) and 27% of females expressed ignorance about the existence of the Secretariat at Kete Krachi. Most of those who claimed awareness of the CLS's existence were aged 41 to 60 years (53.6%), have had education up to Middle/JSS Level (36.9%), lived in urban areas (33.3%), were indigenes (66.4%), lived in Krachi West District (44.4%) and were Krachis by ethnicity (45.2%). In the reverse case, 18.7% females, relatively more young people aged 0-20 (2.4%), University graduates (6.9%), migrants (33.6%), peri-urbanites (12.7%), residents of Krachi East District (25.4%) and Nchumurus (2.4%) were aware of the existence of the CLS at Kete Krachi.

Table 20: Awareness of Existence of the CLS and Respondents Socio-Economic Characteristics in the Krachi CLS Area

	CHARACTERISTICS	YES (Aware)		NO (Unaware)	
		Freq.	(%)	Freq.	(%)
A	SEX				
	Male	104	81.3%	184	73.0%
	Female	24	18.7%	68	27.0%
	Total	128	100.0%	252	100.0%
B	AGE GROUP				
	0-20	3	2.4%	18	7.4%
	21-40	27	21.6%	75	30.9%
	41-60	67	53.6%	98	40.3%
	60+	28	22.4%	52	21.4%
	Total	125	100.0%	243	100.0%
C.	HIGHEST LEVEL OF EDUCATION				
	None	26	20.0%	89	36.3%
	Primary	10	7.7%	22	9.0%
	Middle/JSS	48	36.9%	89	36.3%
	Vocational/Com./Tech	14	10.8%	11	4.5%
	O-Level/SSS/A-Level	11	8.5%	19	7.8%
	Training College/Poly	12	9.2%	8	3.3%
	University	9	6.9%	7	2.9%
	Total	130	100.0%	245	100.0%
D	STATUS IN COMMUNITY				
	Indigene	85	66.4%	179	73.1%
	Migrant	43	33.6%	66	26.9%
	Total	128	100.0%	245	100.0%
E	LOCATION OF RESPONDENT				
	Urban	34	54.0%	118	42.3%
	Rural	21	33.3%	119	42.7%
	Peri-urban	8	12.7%	42	15.0%
	Total	63	100.0%	245	100.0%
F.	DISTRICT				
	Krachi East	16	25.4%	106	38.0%
	Krachi West	28	44.4%	122	43.7%
	Nkwanta	19	30.2%	51	18.3%
	Total	63	100.0%	279	100.0%
G	ETHNIC BACKGROUND				
	Krachi	57	45.2%	23	9.0%
	Nchumuru	3	2.4%	61	23.9%
	Akan	10	7.9%	18	7.1%
	Ewe	9	7.1%	27	10.6%
	Kokomba	10	7.9%	36	14.1%
	Atwede/Adele/Chala	12	9.5%	27	10.6%
	Others	25	19.8%	63	24.7%
	Total	126	100.0%	255	100.0%

Source: Fieldwork, October, 2008

In terms of awareness of the role of the CLS, few respondents could provide appropriate responses. It became clear that very little is known about the Secretariat beyond the Kete Krachi town and the adjoining Nchumuru areas and that the ongoing sensitization programme needs serious enhancement.

5.3: Encounter with the CLS Office

Table 21 provides an account of the characteristics of respondents who have had encounters with the CLS. In all about 10% of them have encountered this office since its establishment two years ago and these encounters involved seeking education on land issues (38.7%) and soliciting advice on documentation of their papers on land ownership (61.3%).

Table 21: Encounter with CLS Office and Socio-Economic Characteristics of Respondents

	CHARACTERISTICS	YES (Have encountered)		NO (have had no encounter)	
		Freq.	(%)	Freq.	(%)
A	SEX				
	Male	24	75.0%	227	71.2%
	Female	8	25.0%	92	22.8%
	Total	32	100.0%	319	100.0%
B	AGE GROUP				
	0-20	0	-	16	5.1%
	21-40	6	18.8%	94	29.8%
	41-60	19	59.4%	134	42.4%
	60+	7	21.8%	72	22.8%
	Total	32	100.0%	316	100.0%
C.	HIGHEST LEVEL OF EDUCATION				
	None				
	Primary	3	9.4%	103	31.9%
	Middle/JSS	3	9.4%	29	9.0%
	Vocational/Com./Tech	14	43.8%	120	37.2%
	O-Level/SSS/A-Level	1	3.1%	22	6.8%
	Training College/Poly	5	15.6%	19	5.9%
	University	4	12.5%	16	5.0%
	Total	32	100.0%	323	100.0%
D	ETHNIC GROUPS				
	Krachi	17	53.1%	65	19.9%
	Nchumuru	1	3.1%	57	17.5%
	Akan	4	12.5%	24	7.4%
	Ewe	1	3.1%	31	9.5%
	Kotokoli	1	3.1%	15	4.6%
	Adele/Atwede/Chala	4	12.5%	32	9.8%
	Others	4	12.5%	102	31.8%
	Total	32	100.0%	326	100.0%

Source: Fieldwork, October, 2008

Majority of the respondents were males (75%), were aged 41-60 years (59.4%), have Middle/JSS Level education (43.8%) and belong to the Krachi ethnic group (53.1%).

On the other hand, relatively few females (25%), younger people (0-20) years, people with vocational/commercial and technical educational backgrounds and Nchumurus, Ewes, and Kotokoli's have had least encounters with the Secretariat.

Two examples from Krachi will help to illuminate these issues. One participant at the Focus Group Discussion (FGD) at Kete Krachi described his understanding of the role of the CLS as follows;

“I know that the CLS can help to avoid frequent land disputes. I know that if you bought a piece of land it is a good investment because it can help you to obtain loans from the bank. However, before then, you need to have good documents on the land. So the CLS can help in this direction”.

During the interview with the Krachi chiefs, one of them explained that the role of the Secretariat is to take responsibility for the documentation of landownership papers for future reference. These very well conceived responses emanated from Krachi town and its immediate environment which is home to the Secretariat. Beyond these areas, interactions with people in the other studied areas did not provide much evidence of any appreciable knowledge about the functions and roles of the Secretariat. The Secretariat therefore needs to strengthen its sensitization efforts to help broaden the knowledge base of stakeholders on its present roles and responsibilities. An overwhelming majority of respondents (84.8%) were of the view that the CLS exists to document, manage and protect lands. Others saw its role as educating people on land acquisition (8.0%) and resolving disputes/conflicts (7.2%). Asked whether CLS has the responsibility towards improvement in land management, 58% responded Yes, while the remaining 8.5% said No. (See Table 22).

Table 22: Main Functions and Procedures of CLS

Functions and Procedures Cited	Frequency	Percentage
Resolve disputes/conflicts	9	7.2%
Educate people on land acquisition	10	8.0%
Land documentation, management and protection	106	84.8%
Total	125	100.0

Source: Fieldwork, October, 2008

About twenty two percent (22.3%) indicated that they had no knowledge on that. Asked to elaborate further on their answers, 34.3% explained that the CLS's role as land managers implied that their main activity centered on solving land disputes. Over twenty two percent (22.6%) cited documentation/registration of land (4.6%) while 13.0% mentioned safeguarding land against unauthorized entry.

5.4: Acceptability of the CLS

Interviews conducted with the various stakeholders brought to fore the extent and levels of acceptability of the CLS system in the Krachi CLS Area. Whilst most of these responses showed general acceptance, respondents' level of knowledge on the CLS's outfit raises some questions about the authenticity of claims on its acceptability. Some narratives indicating general acceptance of the CLS have been recounted below;

(a) The Chief of Asukawkaw made these comments on the acceptability of the CLS as follows;

“If they (CLS Officials) take their work seriously, then the outfit will be able to help us solve a lot of problems associated with land administration and management. If they

educate us well on the documentation of our lands, it will help us know the boundaries and this will help forestall conflicts.”

(b) A Participant at the FGD at Dambai remarked on this as follows-

“In the first place, we will thank the Government for such an idea. The CLS will be helpful but we will be most grateful if the CLS can open a branch in this area for easy accessibility. Moreover this office will be in a position to educate us on how to move away from our old ways of doing things about our lands and adopt modern systems. When things are documented, it will help us to avoid land disputes and ensure easy reference in the future.”

(c) At Yarega, an FGD Participant echoed the following about the CLS office;

“It is a good thing because now I grow oil palm trees on my farm. It will help me to computerize my land documents so that in future my children who are still at school can easily know the boundaries of my lands. It can also afford me an opportunity to make documents as to how to allocate my lands to my children.”

These narratives give a good account of respondents’ knowledge about the role of the Secretariat. However, most of the respondents claimed that the office’s sensitization efforts need to be boosted. The following comments and suggestions by respondents amply demonstrate these sentiments.

i) A participant at the FGD with the Nchumurus said the following;

“The CLS should organise regular interactions with us on their activities. This will help us to understand them very well and also patronize their office.” Another participant at the FGD at Nkwanta was more blunt with his view on this. He states as follows:

“We need education. The office can be there but if we’re not well educated on its functions, no one will patronize it.” As his contribution towards enhancing the

sensitization efforts of the office, a sub chief of the Adeles suggested that “*the CLS Secretariat should resort to the use of radio to spread information on its existence, roles and responsibilities.*”

5.5: Potential Benefits and Areas of Interest of Different Stakeholders/Landusers

Respondents also enumerated a number of potential benefits that are likely accrue to them following the establishment of the office. Table 23 provides a summary of these responses.

Table 23: Potential Benefits from the CLS

Benefits	Frequency	Percentage
Resolution of Land disputes	85	35.4%
Strengthening of relationship between land owners and migrants	8	3.3%
Land protection and security	135	56.3%
Revenue generation and mobilization	10	4.2%
Enhanced planned settlements and buildings	2	0.8%
Total	240	100.0

Source: Fieldwork, October, 2008

Over half of the respondents (56.3%) were of the view that the CLS would lead to the protection and security of land. Other potential benefits cited include resolution of land disputes (35.4%), strengthening the relationship between landowners and migrants (3.3%), revenue generation and mobilization (4.2%) and enhanced planned settlements and buildings (0.8%). Among the various stakeholders operating within the landmarket, the expected benefits did not vary from the general picture portrayed under Table 23 as further analysis of these comments showed that all the stakeholders cited land protection and security, resolution of disputes and revenue generation and mobilization in that order of importance. These views

were further corroborated by participants at the FGD conducted at various locations in the study area. Few of these are recounted here;

- (a) *“CLS will help to avoid future land disputes and outright sale of our lands so that future generations will also come to enjoy something from the land”*- a view expressed by a chief at the interview granted by chiefs at Kete Krachi.
- (b) *“CLS is likely to help the community avoid multiple sale of building lands”*-one of the benefits echoed at a FGD with representatives of the Adeles at Nkwanta.
- (c) *“Once our lands are documented, it will continue to serve as reference for anyone who wants a proof of its ownership in the future when most of us will be dead and gone. It will also avoid the numerous conflicts associated with land”*-a point made during our meeting with the Dambai Chief and his Elders.

One recurrent feature about area(s) of interest that majority of the respondents wanted the CLS to focus priority attention on was the protection of building plots. The following sentiment expressed by a participant at the FGD at Kete Krachi clearly conveys this viewpoint.

“Our priority is for the acquisition of papers on our building lands. This is because the farmlands in this area (and by extension in all other areas) do not belong to an individual; rather it is the property of the Adikrofo (village chiefs) and the Krachiwura. Individuals can't buy farmlands so they can't have documents on them. But concerning building plots, there is exchange of money between parties involved so I have to get valid documents in support of the acquisition of this land for at least a period of about 50 years.”

Since farming is the dominant activity in the area and as a result land issues involving agriculture would have merited greater attention. Views expressed here however appear to be at variance with this expectation. However since farmlands in virtually all the studied areas cannot be acquired, it is only realistic for respondents to focus their interests and attention on lands that can be legally and lawfully acquired and that is building lands.

5.6 Potential Threats and Challenges

The study also sought to understand the potential threats and main challenges to the smooth functioning of this CLS which is basically embryonic. Table 24 provides an overview of the key potential threats to the operations of the CLS provided by respondents.

Table 24: Potential Threats and Challenges of CLS

Threats and Challenges cited	Frequency	Percentage (%)
People don't know about CLS	14	5.8%
Lack of education/Illiteracy	77	32.1%
Inadequate CLS offices in the areas	35	14.6%
Difficulties associated with solving land disputes	17	7.1%
Less commitment by the people because lands are owned by stools	33	13.8%
Lack of proper documents on land	27	6.8%
Difficulty of meeting landlords due to inaccessibility	3	0.8%
CLS might be seen as tax collection outfits	34	8.5%
Total	240	100.0%

Source: Fieldwork, October, 2008

Major threats cited by respondents included the difficulty that people might face in dealing with formal procedures associated with such an office due to illiteracy or lack of education (32.1%), inadequate CLS offices in the Krachi CLS area (14.6%) and less commitment by the people towards the CLS because lands that are to be registered are owned by the various stools (13.8%). Others suggested threats such as lack of knowledge about the existence of the office (5.8%), difficulties associated with solving land disputes, especially financial and time requirements (7.1%) and people's perception that the office is a tax collecting outfit (8.5%). Other potential threats mentioned during the interviews and FGDs can be appreciated from the following narratives-

- i) At the FGD with Nchumurus, one opinion leader opined the following in connection with land registration especially by migrants in the area.

“Here the land is our priority. So we do not want anything like contract with migrants for fear that one day, a migrant may forge some documents and use them as a proof to claim the lands.”

ii) One other participant at the FGD with the Nchumurus linked the CLS with taxation. He stated as follows-*“Under the CLS, it is said that the government will want landowners to pay about 2000 cedis (old cedis) for every acre of land, to start with.”*

iii) Another participant (a migrant at the FGD at Kete Krachi) displayed apprehension and discomfort with the site and location of the CLS office. He echoed the following in this respect -*“I think the location of the office is also a problem. It is on Nananom’s land (palace ground). This is because people have some kind of fear and respect for the chief, hence if the office continues to be where it is, it may reduce the rate at which people will patronize it. They may even think it is being established indirectly by the chief as means to levy taxes.”*

iv) Another potential threat to the office that surfaced during the FGD interaction at Yarega was with the cost that is to be incurred on the documentation exercise. One participant intimated his concerns on this as follows; *“Our fear is that with the introduction of land registration and computerization, rich people will come for our lands and register them since they have enough money to do that. After that, we will never have our lands back.”*

Clearly, suspicions between the rich and the poor as well as between migrants and natives/indigenous people abound and the Secretariat needs to work systematically and expeditiously towards addressing them.

A number of challenges were also outlined during interviews and FGD meetings with the various stakeholders. Prominent ones include the following;

- (i) The poor recognition given to the CLS by the District Assemblies and other land agencies operating in the districts who perceive the CLS to be eroding their territories.

- Effective collaboration is therefore needed between it and the Office of the Administrator Stool Lands, the District Assembly, Town and Country Planning Department and the Traditional Authorities if the concept is to make a serious headway in achieving its set objectives.
- (ii.) The CLS activities are not very well known outside the Krachi West district because of problems of logistics and manpower. The office is presently being manned by one person with the assistance of a borrowed Secretary from the Office of Stool Lands at Kete Krachi. Government should therefore do well to provide the vital logistics and financial motivations for the office and its workers.
 - (iii.) Even though the officer in charge of the CLS office has been provided with a motorbike, the remuneration issue is yet to be settled.

On the location of the CLS at Kete Krachi, the following comments were made by the various stakeholders:

- (1) The Chala Chief at Nkwanta;

“It is worrying that the office is located only at Kete Krachi. The cost involved in assessing its services is too much. One has to cover a distance of 96 miles from here to Kete Krachi.”

- (2) A participant at the FGD at Dambai

“We want a branch of the CLS to be opened in Dambai so that a well qualified person among us will be employed to take charge of the office.”

- (3) Dambai Chief

“Kete Krachi is far from here and the platoon is not reliable. So we’ll plead with the government to open a sub-office here since this place is a new district. We even want to have the main office here.”

These views were expressed widely over the studied areas and the suggestion for the creation of sub offices of the CLS in the various areas must be given due consideration.

5.7 Conclusion

This chapter has delved into the operations of the CLS Office at Kete Krachi which is still in its embryonic stage of development. Issues investigated included the degree of awareness and acceptability of this office as well as barriers impeding its smooth functioning. Recommendations for appropriate interventions to overcome these barriers were also made.

People's awareness of its existence was found to be very low and beyond Kete Krachi town and its immediate environs very little is known about it. This level of awareness has also resulted in lack of knowledge of its specific roles and functions. Therefore dealings with it have also been poor even though the CLS concept was generally accepted as a very good and relevant with capacity to assist with improvement in land management and administration in the area. To ensure that the office becomes effective and responsive to the people and the achievement in the delivery of its mandate, the threats and challenges outlined, such as logistical, staffing and financial problems, lack of offices in the remaining districts and inadequate education of the various stakeholders on its programmes and activities, need to be addressed.

CHAPTER 6: CONCLUSIONS AND RECOMMENDATIONS

6.1: Introduction

Certain conclusions and recommendations emerging from the study are presented below.

6.2: Conclusions

- Access to land by indigenes, migrants and women in the various traditional areas within the Krachi CLS pilot area is simple and straight forward. However, access to plots for building, particularly in the district capitals, is more complicated. This is where the traditional system of land delivery interfaces with the state system and its requirements.
- Conditions by which migrants have access to farmlands seem to be changing and this ought to be managed well to avoid conflicts in future and to ensure tenure security.
- Disputes over ownership of land and the general commercialisation of urban land are increasing particularly in Nkwanta town and this portends danger if the issue of land ownership is not resolved.
- The commercialisation of land transaction using the leasing system is a sign of modernisation in favour of enhancing security of tenure. Such transactions will form the basis for registrations of interest with the CLS. Making the various rights in the area more relevant to socio-economic conditions demand that the roles of different actors including, chiefs, family heads, land users and government regulatory institutions be performed properly.
- Different groups of people suffer different levels of vulnerability. Indigenes have more certainty and protection than migrants. Women under both categories have more problems accessing and maintaining allocations than men. Due to patriarchal relations the youth are less advantaged than the elderly. The physically challenged and the sick are considered to be the responsibility of family members; hence in most instances their rights are frozen or limited until they have the ability to engage in normal productive activities. It is both discrimination and a dependency syndrome on the part of the sick and the physically challenged.

- Land use changes or conversion are generally limited in the entire Krachi CLS area. But there is a particular increasing tendency for the conversion of food crop farmlands to commercial/perennial crop production and this may lead to shortage of food crop farmlands. Also the release of food crop lands to strangers for commercial agriculture may result in shortage of food crop land to the local residents and also worsen the situation of vulnerable groups in accessing lands for food crop production.
- People's awareness of the existence of the CLS was found to be very low and beyond Kete Krachi town and its immediate environs very little is known about it. This low level of awareness of the CLS has also resulted in lack of knowledge of its specific roles and functions. Therefore dealings with it have also been poor even though the CLS concept was generally accepted as very good and relevant with capacity to assist with improvement in land management and administration in the area

6.3: Recommendations

- The process of formalising building plot acquisition in urban areas needs to be encouraged and properly instituted within the context of urban planning and management.
- Issue of multiple claimants to lands in Nkwanta township ought to be resolved to facilitate the work of the CLS and avoid any potential sources of conflicts.
- The position of the Volta River Authority (VRA) with respect to payment of compensations to owners of land on which some communities have been resettled needs to be clarified for the benefit of the resettled communities. This will also help to clarify the role the CLS could play in such communities and ensure effective lands administration in the Krachi CLS area.
- The pace of the formalization of tenure, with the view to modernising it and ensuring tenure security for resident migrants in cultivating perennial crops need to be encouraged and quickened. But this should not be pursued to the detriment of land for food crop farming.
- To ensure that the office becomes effective and responsive to the people and the achievement in the delivery of its mandate, the threats and challenges outlined, such as logistical, staffing and financial problems, lack of offices in the remaining districts and

inadequate education of the various stakeholders on its programmes and activities, need to be addressed.

- Sensitization program needs the collaboration of not only chiefs but assemblymen, family heads and people with recognizable status in the community such as teachers, health personnel and agricultural officers. These people will help communicate and share information about the CLS.

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