THE ASSESSMENT OFWOMEN'SLAND RIGHTS IN THE DORMAA TRADITIONAL AREA, GHANA

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Abstract - Women's lands rights are universal human rights and important to global food security and sustainable development. Ghana has ratified international treaties to protect women's lands rights and has made laws and policies to deal with these issues. In parallel with this institutional effort, Ghana's customary land lawshave governed land rights issues. Customary lands are held in trust by traditional authorities, who supposedly guarantee women to haveequal rightsto land as mendo.However, in realitymen appear to have more farmland and favored positions in gaining land ownership. Women generally appear to depend on their husbands for land access and maylose farmland in the event of husband's death.This paper seeks to find if these perceptions are true. In doing so, it seeks to better understand how women's rights to farmland are affected by social status,tenure, and accessibility in the Dormaa Traditional area, one of Ghana's regions with strong traditional land tenure customs.Based on the fieldwork and the survey among 299 farmers in the area, this paper identified Dormaa people's perceptions about customary land use and ownership practices.We found that most respondents perceived land tenure and accessibility not biased. However, women felt that they needed men for securing customary ownership to land.After discussing these in details, this paper offers some recommendations on how women'saccess to land can be improved in the future.

Keywords - Ghana's Land Tenure, Land Rights, Women's Land Right

I. INTRODUCTION

Women's lands rights are universal human rights and important to global food security and sustainable development (MoFA & World Bank, 2017). In protecting women's right, Ghana has ratified international treaties to protect women's lands rights such as the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights of Women (Maputo Protocol).

Ghana has made laws and policies to deal with these issues to improve women's tenure security. One of the policies is Ghana Food and Agriculture Sector Development Policy (FASDEP). It is to ensure that 'all policies and programs are designed from a gender perspective' (MoFA& World Bank, 2007). Although these laws and policies are to protect women's land rights, there has not been major improvement. Women generally appear to depend on their husbands for land access and may lose farmland in the event of husband's death(Afutu-kotey & Adjei-holmes, 2009). Under Ghana intestate succession law, women are guaranteed equal inheritance rights as men. However, many women lose farmlands to the husband's family when the husband dies. Furthermore, women usuallyare less aware about the interstate succession Law (ISL) article 9, which talksabout inheritance practices in protection of women (Lambrecht and Asare, 2016).

Customary lands are held in trust by traditional authorities for the people, who supposedly guarantee women to have equal rights to land as men do(Schoneveld, 2017).However, in reality men appear to have more farmland and favored positions in gaining land ownership(Daley et al, 2013).

Despite all legislation and research works on women land rights, there is lack of data which focus on social status and gender implication. This paper therefore seeks to assess women farmland rights with respect to gender implication in relation to land tenure fairness, farmland accessibility and ownership in the Dormaa Traditional Area (DTA).

In spite of the progress made to date on women's land right research, there is lack of data which focus on social status and gender implication.This paper therefore seeks to assess women's farmland rights with respect to gender implications. In doing so, we seek to better understand how women's rights to farmland are affected by social status, tenure, and accessibility in the Dormaa Traditional area (DTA).

II. METHODOLOGY

2.1. Study Area

This study was conducted in the Dormaa Traditional area (DTA)in the Brong Ahafo region of Ghana. DTA is located in the western part of Ghana with a population of about 212,660 people, 77% engages in agriculture (GSS, 2014). The area is basically agrarian with vast land for agriculture (Agyare, et al, 2014). The area shares border with Cote D'Ivoire and promotes trans-border economic activities. Poultry production in the area is the largest in Brong Ahafo region (GSS, 2014). About 12% of commercial poultry farms in Ghana are located in the DTA (FAO, 2014). In selecting the area, principal considerations were given to the importance placed on foodproduction.

2.2. Data Collection

This study was structured using quantitative study design adopting descriptive survey method. Based on the objectives of the study, semi-structured questionnaires were used in data collection. The survey was conducted among 299 farmers in the areausing simple randomization. They were age groups between 20sand 70s fromfood crop, cash crop, animal rearing and mixed farmers.The questionnaire was administered between April and May 2017. The questionnaire was aimed at developing an in-depth understanding of women's farmland rights. The main topicsidentified Dormaa farmer's perceptions about customary land use and ownership practices. They were asked about: (1) Farmland tenure fairness, (2) Farmland accessibility and (3) Farmland ownership.

2.3.Data Analysis

The data obtainedwere processed and cleaned for analysis. Microsoft Excel and Statistical Package for social scientist (SPSS) version 24were used. Using descriptive statistic, percentages, frequencies and co-relations results were obtained.

III. RESULTS

3.1. Farmland Tenure Fairness

Respondents were askedif land tenure system practice in the area is fair to both male and female. Out of 297 respondents, 200 respondents representing 67% of the farmers said land tenure system is fair, 30% said it's not fair and 3% were neutral. Out of the 30% who said it is not fair, 12% said it favors male and 18% said it favors female.

Critical analysis of the relationship between land tenure fairness and the social background of the respondents reveals that,29% of the non-natives male farmers thinkland tenure favors male compared to 24% non-native female farmers.This result could be due to the customary land tenure system practiced in the area that requires the non-natives to acquire land from natives.

The comparison of age and land tenure fairness reveals that43% of under 30 yearsfemale farmers thinks,land tenure is fair. Out of this age category, 60% of male farmers perceive that land tenure is fair. We also observe that,under 30 years male farmers respondentswho perceived land tenure not to be fair, 20% thinks it favors male whereas no one from under 30 years female farmersthinks so. However, 57% of under 30 years female who perceived that land tenure is not fair thinks it favors women.This may explain the fact that some of the farmers were commercial poultry farmers and the younger farmers are more likely to be educated and knowledgeable about land ownershipand are more likely to register their property.At the other hand, among the farmers who perceived land tenure system to favor male, 18% of 30 to 39 years female farmers responded in affirmative, onlyhalf, 9% of male farmers in the same age group thinks land tenure system favors male.

concerningmarital status and land tenure,33% of divorced female farmers responded in affirmative that land tenure is fair compare to 11% of male divorced.The overall divorced farmers were 22, representing only 7% of total respondents.Whereas 59% of widow said land tenure is fair, 17% of widower, total number of24 representing only 8% of the overall respondents said so.Even though their number is not significant, their perception indicates land tenure may not be fair. This could be due to traditionalwidowhood rite and inability of enforcement of interstate succession lawto protect women's land rights (Whitehead & Tsikata, 2003).

3.2. Farmland accessibility

The respondents were asked about farmland accessibility being good, fair, average or poor. We observed that, out of 297 respondents 52%said, farmland is fairly accessible, 31% said average, 14% said good and 3% poor. The 14% was surprisingly low considering the number of native farmersabout 85% and the customary land tenure practice in the area. This might be as a result of increasing land conflicts and dispute in the area. About 42% of the farmerssaid they have been involved in land dispute before.

The data shows that 12% of native female farmers thinks land accessibility is good compare to 15% of native male farmers. About 40% of female farmers said it's fair, compare to 57% of native male farmers. There was a significant difference in the perception of male and female native and non-native farmers. About 40% of native female farmers said land accessibility is average whereas 28%,male farmers responded thinks its average. Implicitly, this means that native malefarmers' perception of farmland accessibility is better than women.This may be as a result of men heading most of the traditional leadership and may have more access to land than women (Boni, 2008; Goldstein and Udry, 2008).

On the other hand, non-native respondents' numbers were not significant, 15% in total, but we also observed that, 18% of non-native male farmers thinks land accessibility is good compare to 12% of non-native female. About 64% of non-native male farmers said it's fair whereas 59% of non-native female farmers perceived so. This shows there is not so much difference in the perception of non-native female and non-native male farmers. However, 29% of non-native female farmers think farmland accessibility is average compare to 14% of non-native male farmers.

The proportion of respondents' marital status and farmland accessibility indicates50% of themale widower farmers said farmland accessibility is good compare to 18%female widow. Although the number is small8%,this disparity reflects the traditional inheritance system which does not support the woman'slands right after the death of husband.

Women normallylose farmlands to the husband's family in the event of the death of the husband (Lambrecht ahd Asari, 2016).
Respondents who said farmland accessibility is fair, 60% of them were divorced compare to 33% of divorced female. The respondents who said farmland accessibility is average, 50% were divorced female compare to 20% of divorced male. No widower or divorced male thinks farmland accessibility is poor but 12% of widow and 17% of divorced female farmers thinks farmland accessibility is poor.

The relationship between farmland accessibility and age, 40% of the under 30 years male said farmland accessibility is good compare to 14% of female under 30 years. Also 40% of under 30years male farmers said farmland accessibility is fair compare to 14% of female farmers of the same age. Whereas 82% of over 60 years male respondentssaid farmland accessibility is good only 23% of over 60 years femalerespondents agree with them.Majority of female respondentsunder 30 years, that is 71% responded that, land accessibility is average compare to 20% of male under 30 years. More than half, 55% of the 30 to 39 years female farmers also said, accessibility is average in comparison with 29% of male farmers. Also 57% of 40 to 49 years female farmers think land accessibility is average compare to 33% of male farmers. However, majority of over 60 years male farmers 52%, respondents said land accessibility is average compare to 39% of over 60 years female farmers. Male farmers at this age are more likely to be a traditional leader or have a strong tie with leadership that have access to land.

In analyzing the relationship between farmland accessibility and marital status, 50% of the widower's responded as good compare to 18% of widows. Also 20% of divorced male farmers thinks it's fair whereas no female divorced thinks so. More than half of divorced male60%, said land accessibility is fair compare to 33% of female divorced farmers. At the other hand, 50% of divorced female farmers responded land accessibility is average compare to 20% of divorced male respondents. Also, 42% of married female farmers said land accessibility is average compare to 27% of male married farmers. Furthermore 12% and 17% of widow and divorced female farmers respectively respondents said land accessibility is poor compare to no widower or divorced male farmer saying land accessibility is poor. Only a small percentage of single and married male farmers said accessibility is poor with 4% and 3% respectively. This result may imply that, after the death or divorces of a spouses, laws that protect the right of widow is not observed.Women generally depend on men for farmland access and ownership through marriage due to socio-cultural practices (Afutu-kotey & Adjei-holmes, 2009).

3.3. Farmland ownership

The land tenure practiced by the farmers on their farmland were, complete ownership 53%,fixed rental 24%,"Abunu" (1/2), share cropping 11%, "Abusa" (2/3) share cropping 7% and 5%using the land for free. (Abunu is sharing the produce of the harvest with the landowner by half and Abusa, farmer taking two third of the produce).When asked if land ownership is very easy, easy, difficult or very difficult, 12% said it's very easy, 49% said it's easy, 33% said it's difficult, and 6% is very difficult.Considering the fact that more than half of the farmers own the farmland, it was not surprising that greater percentage said it's easy to own a land.
There was not significant difference in therelationship between the perception of native and non-native farmers on easiness of land ownership. About the same percentage said landownership is easy. However,42% of native female farmers said land ownership is difficult compare to 30% of male native's farmers. Also 12% of female non-natives farmers said land ownership is very difficult compare to 7% of non-native male farmers.

Results from the relationship between farmland ownership and age reveals no major significant difference among the respondent farmers who said land ownership is very easy. With those who said its easy, 57% of female farmers under 30 years responded in affirmative compare to 20% of male farmers under 30 years.About 55% of the female farmers under 30 years were married compare to 74% of men of the same age group. Among the 30 to 39 years male farmers, 26% respondent said land ownership is easy compare to 9% female counterparts. Altogether, 40 to 49 years and 50 to 59years female farmers representing 24% and 25% respectively said land ownership is easy compare to 44% each of the male farmers of same age groups. About land ownership difficulty, 60% of male under 30 years responded in affirmative compare to 29% of female under 30 years farmers. On the other hand, 57% of 40 to 49 years female farmers said land ownership is difficult compare to 39% of male farmers of the same age. Also54% of over 60 years female said land ownership is difficult comparedto 35% of male farmers.This result also affirms the dependency of land ownership of women on men as women get older there is the possibility tobe married and maydepend on men for land ownership through married. In comparing marital status of farmers, 33% of widower said land ownership is very easy compare to 18% of widow. Also 30% of both divorced and single male respondent's farmers said it's easy to own farmland compare to no respondent from female divorced and single farmers. Again, 50% of widower responded that, land ownership is easy compare to 29% of widow, however 47% of widow said land ownership is difficult whereas no widower thinks so. Whereas 16% of divorced female farmers said land

ownership is very difficult no one from divorced male farmers thinks so. Traditional widowhood customs violate widows' property rights (Robertson, 2010) and can limit woman's opportunities economically and perpetuate the dependency of women on men (Gillis & Hollow, 2009).

CONCLUSION AND RECOMMENDATIONS

It is imperative to better understand Ghana's complex tenure system and women's land right for a sustainable food security. Based on the fieldwork and the survey we identified Dormaa people's perceptions about customary land use and ownership practices. We found that most respondents perceived land tenure and accessibility not biased. However, women felt that they needed men for securing customary ownership to land. After discussing these in details, we offer the following recommendations on how women's access to land can be improved in the future. There should be an advocacy to educate women about their land rights and how to seek redress. Women should be advice to formalize their married and be familiar with the interstate succession law. We also recommend family leadership should be educated about the role of women in agriculture for sustainable development. To achieve a long-term food security women's accessibility to family farmland should be encouraged by family leaders. Traditional leadership are the main decision makers on customary land tenure system. We therefore recommend an advocacy program aim at educating traditional leaders about the importance of women land ownership. Women leadership such as the Queen mothers should be encouraged to show interest in land related decision making.

REFERENCE

[1] Afutu—Kotey, R. L., & Adjei-Holmes, A. (2009). Land Policies and Women's Access to Land: An Advocacy Paper. WiLDAF Ghana.< http://wi1daf-ao. org/eng/IMG/pdf/LAND_POLIC [ES_AND__ WOMEN_21st_Oct_mt_1_. pdi>(Accessed November 15, 2011).

[2] Agyare, W. A., Asare, I. K., Sogbedji, J., & Clottey, V. A. (2014). Challenges to maize fertilization in the forest and transition zones of Ghana. African Journal of Agricultural Research, 9(6), 593-602.

[3] Boni, S. (2008). Traditional ambiguities and authoritarian interpretations in Sefwi land disputes. in: Ubink, J.M., Amanor, K.S. (Eds.), Contesting Land and Custom in Ghana. State, Chief and the Citizen. Leiden University Press, pp. 81–112

[4] Daley, E., Osorio, M., & Park, C. M. Y. (2013). The gender and equity implications of land-related investments on land access and labour and income-generating opportunities. A case study of selected agricultural investments in Lao PDR. FAO. http://www. fao.org/docrep/017/aq293e/aq293e. pdf.

[5] FAO. (2014). Poultry Sector Ghana. FAO Animal Production and Health Livestock Country Reviews. No. 6. Rome

[6] Ghana Statistical Service. (2010). Ghana Statistical Service o Population and housing censors, 2012, Ghana statistical service

[7] Ghana Statistical Service. (2014). 2010 population and housing census, district analytical report

[8] Goldstein, M., Udry, C. (2008). The profits of power: land rights and agricultural investment in Ghana. J. Political Econ. 116 (6), 981–1022

[9] Lambrecht, I., & Asare, S. (2016). The complexity of local tenure systems: A smallholders' perspective on tenure in Ghana. Land Use Policy, 58, 251-263.

[10] Ministry of Food and Agriculture/World Bank. (2007). Ministry of food and agriculture/World Bank review of food safety in Ghana. (2007) www.worldbank.org Viewed 18/1/12

[11] Schoneveld, G. C. (2017). Host country governance and the African land rush: 7 reasons why large-scale farmland investments fail to contribute to sustainable development. Geoforum, 83, 119-132.

[12] Whitehead, A., & Tsikata, D. (2003). Policy discourses on women's land rights in Sub–Saharan Africa: The implications of the re–turn to the Customary. Journal of Agrarian Change, 3(1-2), 67-112.

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