

# **THE ROLE OF GOOD GOVERNANCE IN IMPROVING WOMEN'S ACCESS RIGHT TO CUSTOMARY LANDS IN GHANA**



**Presented By:  
Rita Esinu Sewornu  
Summer Congress 2010  
Sudbury, Ontario Canada**

# PRESENTATION PROFILE

- Introduction
- Concept of Good Governance
- Methodology
- Customary Land Sector in Ghana
- Women's land Relation within the Customary Land Sector
- Going forward with Good Land Governance
- Final Remarks

# Introduction

## **Secured Land Access and Sustainable Development**

*“Secure access to productive land is critical to the millions of poor people living in rural areas and depending on agriculture, livestock or forests for their livelihood. It reduces their vulnerability to hunger and poverty; influences their capacity to invest in their productive activities and in the sustainable management of their resources; enhances their prospects for better livelihoods; and helps them develop more equitable relations with the rest of their society, thus contributing to justice, peace and sustainable development” (IFAD, 2008 p.4)*

## **Importance of land to Ghana as an agrarian Economy**

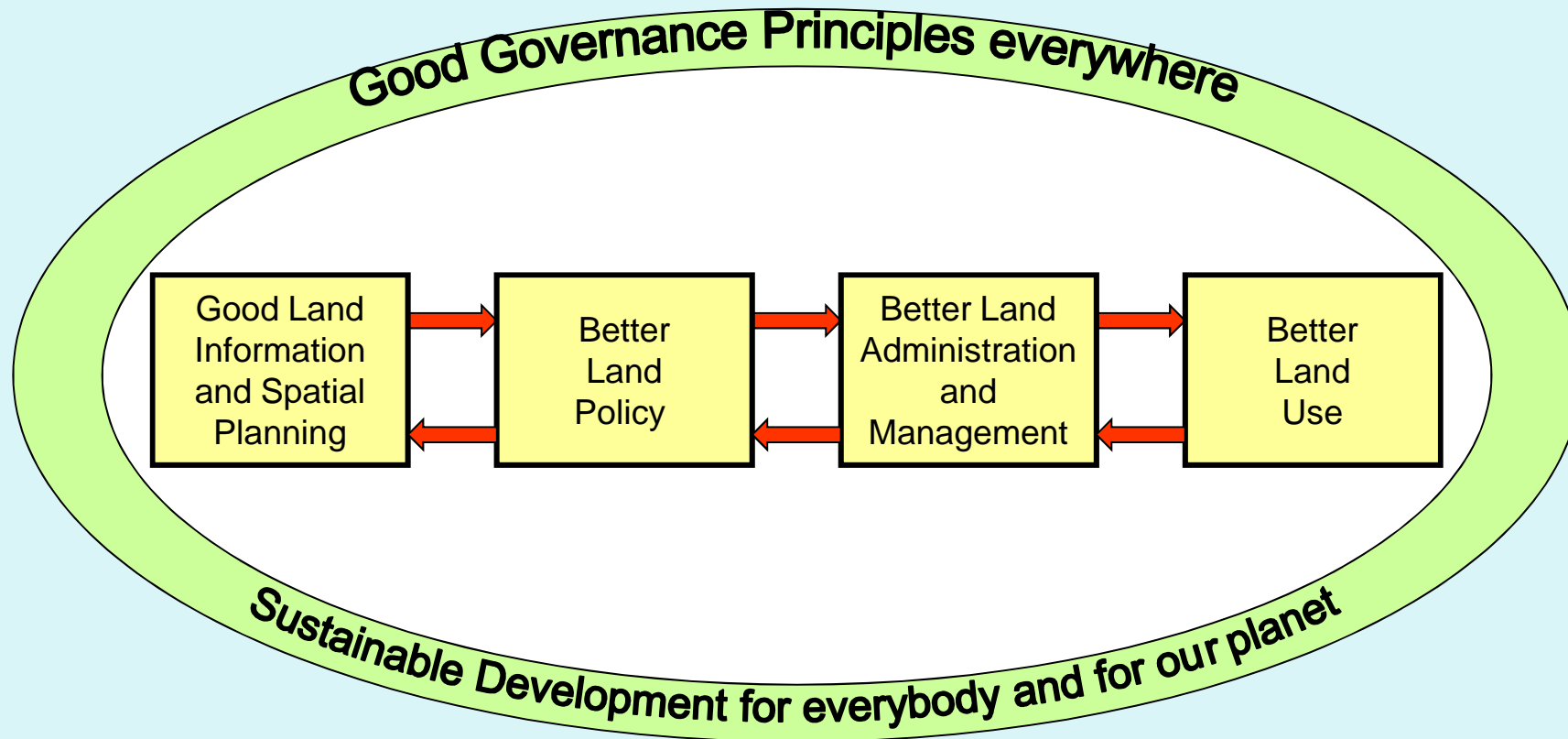
- Source of Sustainable Livelihoods
- Backbone to Socio-economic development – Agric employs about 54% of the labour force
- Basis of Wealth Creation – Agric contributes about 40% of GDP and 50% of foreign earnings
- Realm of Physical and Political Strength (Ghana National Land Policy (1999, p. 1)

# Concept of Good Governance

- ❑ There is however no single and exhaustive definition of “good governance,” nor is there a delimitation of its scope, that commands universal acceptance.” The term is used with great flexibility which is an advantage, but also a source of some difficulty at the operational level (OHCHR, 2007).
- ❑ Characteristics of Good Governance
  - ❑ Participatory,
  - ❑ consensus oriented,
  - ❑ accountable, transparent,
  - ❑ responsive,
  - ❑ effective and efficient,
  - ❑ equitable and inclusive and follows
  - ❑ the rule of law (UNESCAP, 2009).

# Good Governance and the Land Sector

- ❑ Although the ideas behind governance in land administration are not new in itself, explicit recognition of the importance of good governance in land tenure and administration has come relatively recently (FAO, 2007).
- ❑ Applying Good Governance to Land Administration, Land Tenure and Land Management
  - ❑ the 1999 Bathurst FIG-UN declaration on 'Land Administration for Sustainable Development' did mention good governance briefly but did not include good governance as a pre-condition or an overall umbrella within which land administration can achieve sustainable development (Magel and Franke, 2007 ).
  - ❑ Magel and Franke (ibid) thus argued that sustainable development is not attainable without land administration, Spatial Planning, Land Policy and Comprehensive Land Management all operating within the framework of good governance .



Franke and Magel, 2007

- ❑ The recent most definitive effort of applying the principles is FAO's Land Tenure Series publication on "Good governance in land tenure and administration" in 2007.
- ❑ The current move of applying of good governance in the land sector led to the coined of the term "**land governance**"

## ➤ **Land Governance**

According to UNDP (2007) it “includes both formal and informal rules – the latter often evolving and being situation specific - which govern who gets to use which land resources, when, for how long and under what conditions”.

The GLTN (2008) defined it as “the dynamic process by which decisions are made regarding access to and use of land, the manner in which those decisions are implemented and the way that conflicting interests in land are reconciled”

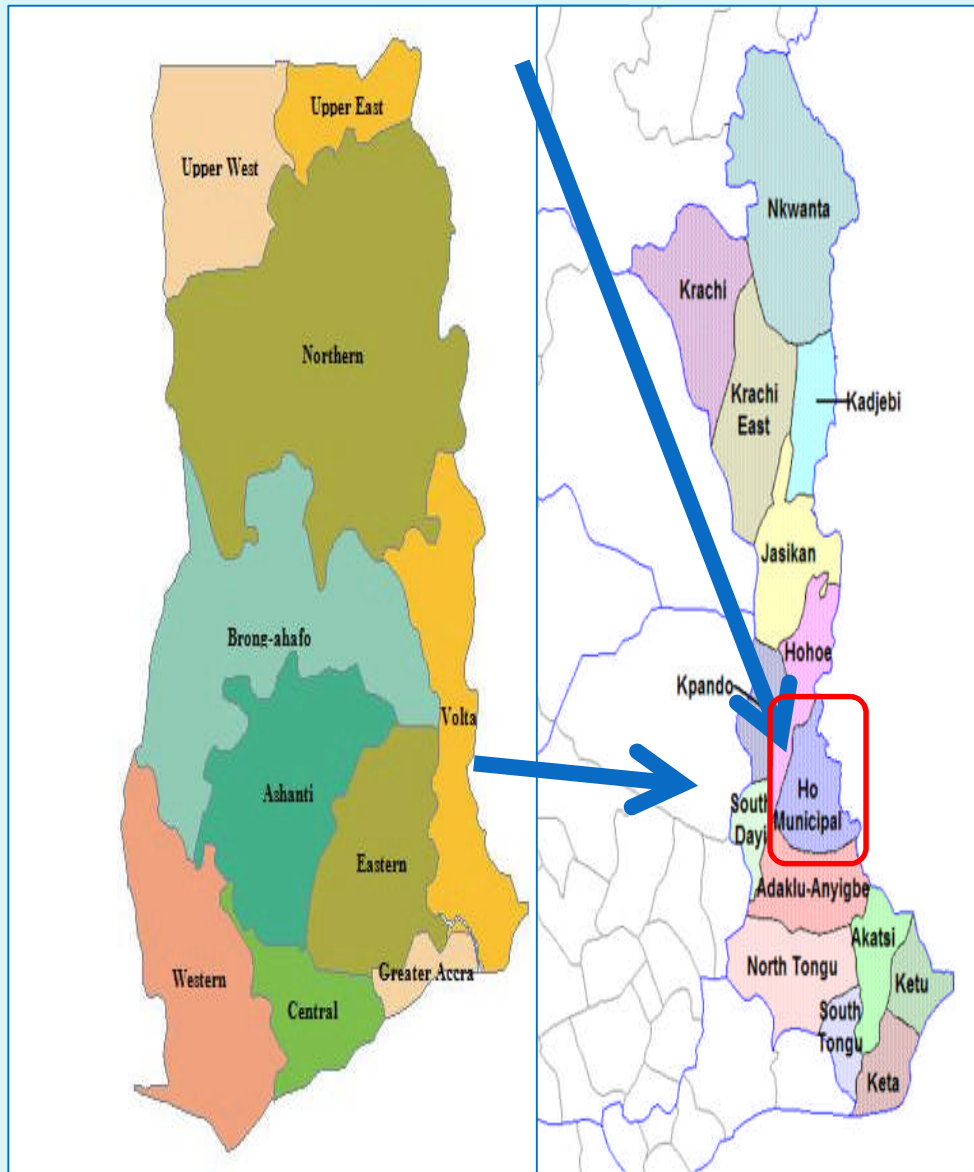
# Is Good Governance Important in the Customary land Sector?

- ❑ The presence of weak governance according to FAO ( 2007 p.1), is evidence in any of the system - statutory or customary whenever that land rights of the poor and other vulnerable members of society are not protected

## **Evidence of Weak Governance within the Customary Land Sector**

- ❑ Land sales and other dealings in land have increased in all areas. Settlements are being uprooted or livelihoods dislocated in the face of this onslaught. Yet there is no
  - equity, transparency or accountability in the management of this process, neither as it concerns the ‘disposal’ of land nor in the distribution of benefits. (Kasanga and Kotey , 2001, p. iv)
- ❑ In recent times land is being commoditized, monetization is on the rise, inheritance patterns are twisting, and power positions are becoming all the more pervasive in accessing and distributing landed resources (Yaro 2002)

# Methodology



This study primarily employed qualitative methodology and quantitative methodology as a supplementary support. A case study approach was adopted.

Data was gathered for the study from

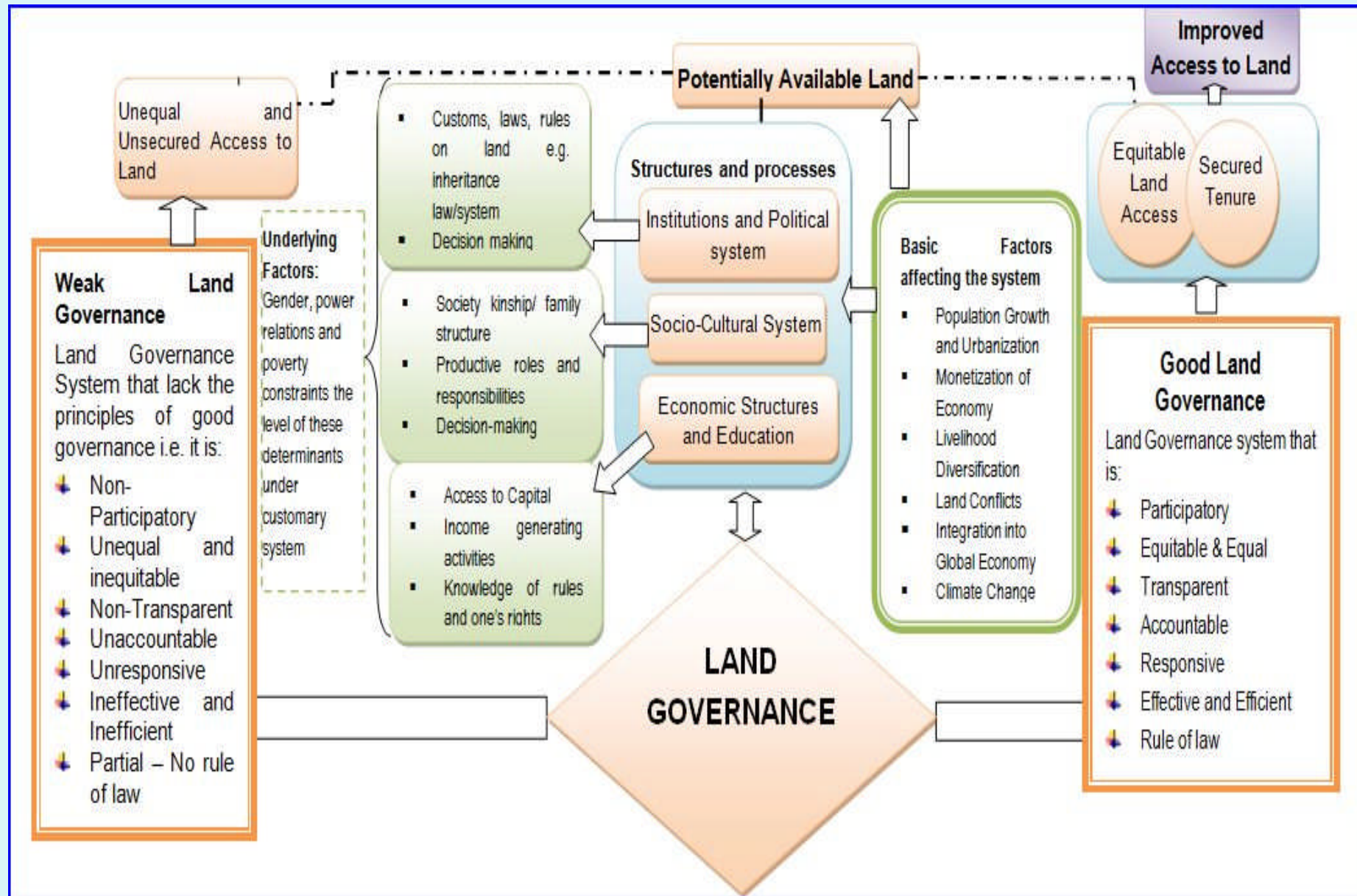
- ❖ Key informant interviews
- ❖ Household survey
- ❖ Focus group discussions.
- ❖ Documents
- ❖ Personal observations

# Summary of Field Data Sources

Name of Community/Institutions	Number of Questionnaire Administered	Number of Female Respondents	Number of Male Respondents	Key Informants Interviews	Focus Group Discussions (FGDs)
Ho	50	30	20	4	
Klefe	20	12	8	2	1
Kpenoe	20	12	8	2	
Sokode	20	12	8	2	1
Tanyigbe	20	12	8	2	
Lands Commission				1	
Municipal Council				1	
Office of Administrator of Stool Lands (OASL)				1	
<b>TOTAL</b>	<b>130</b>	<b>78</b>	<b>52</b>	<b>15</b>	<b>2</b>



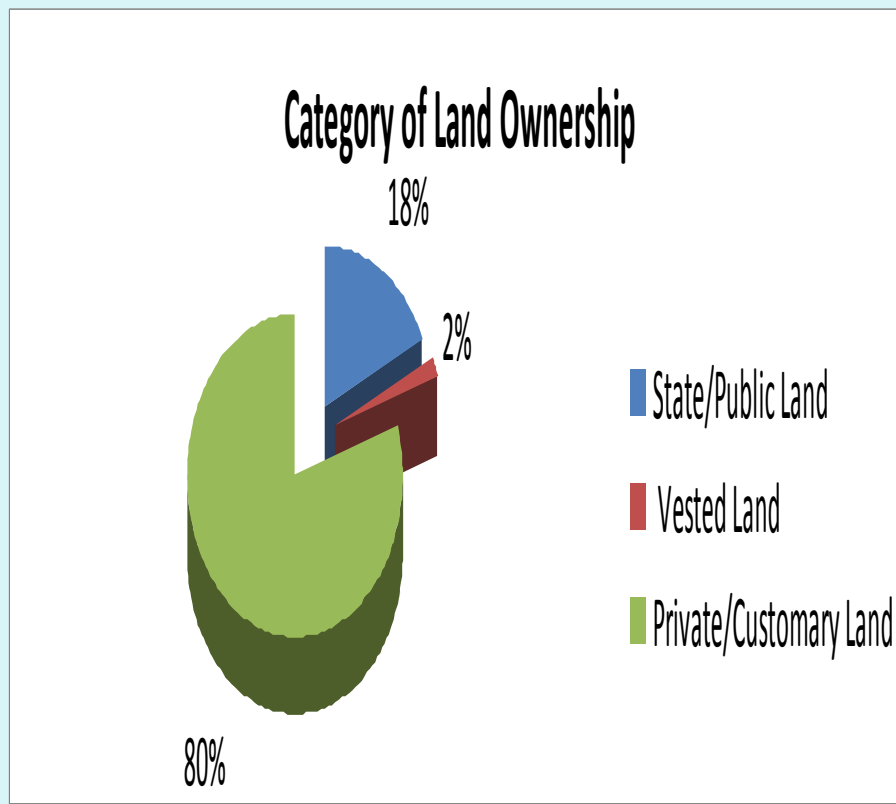
# Conceptual Framework



# Customary Land Sector

## ❑ Customary lands

- ❑ They have a common trait of communal or cognate ownership and are guided by the customary tenets expressed in the saying Ollenu (1985, p.7) attributed to the late Nana Sir Ofori Atta *“Land belongs to a vast family of whom many are dead, a few are living and countless hosts are still unborn”*.
- ❑ Predominantly stool, skin, clan and family lands.



## Governing Institutions

### ❑ Customary Institutions

- ❑ Chiefs/Priests/Family Heads
- ❑ Council of Elders/Principal Members of Families

### ❑ Government through state land sector agencies

- ❑ Office of Administrator of Stool Lands (OASL)
- ❑ Lands Commission
- ❑ Land Valuation Board
- ❑ Survey Department
- ❑ District Assemblies (Town and Country Department)

# Women's Land Relation within the Customary Sector



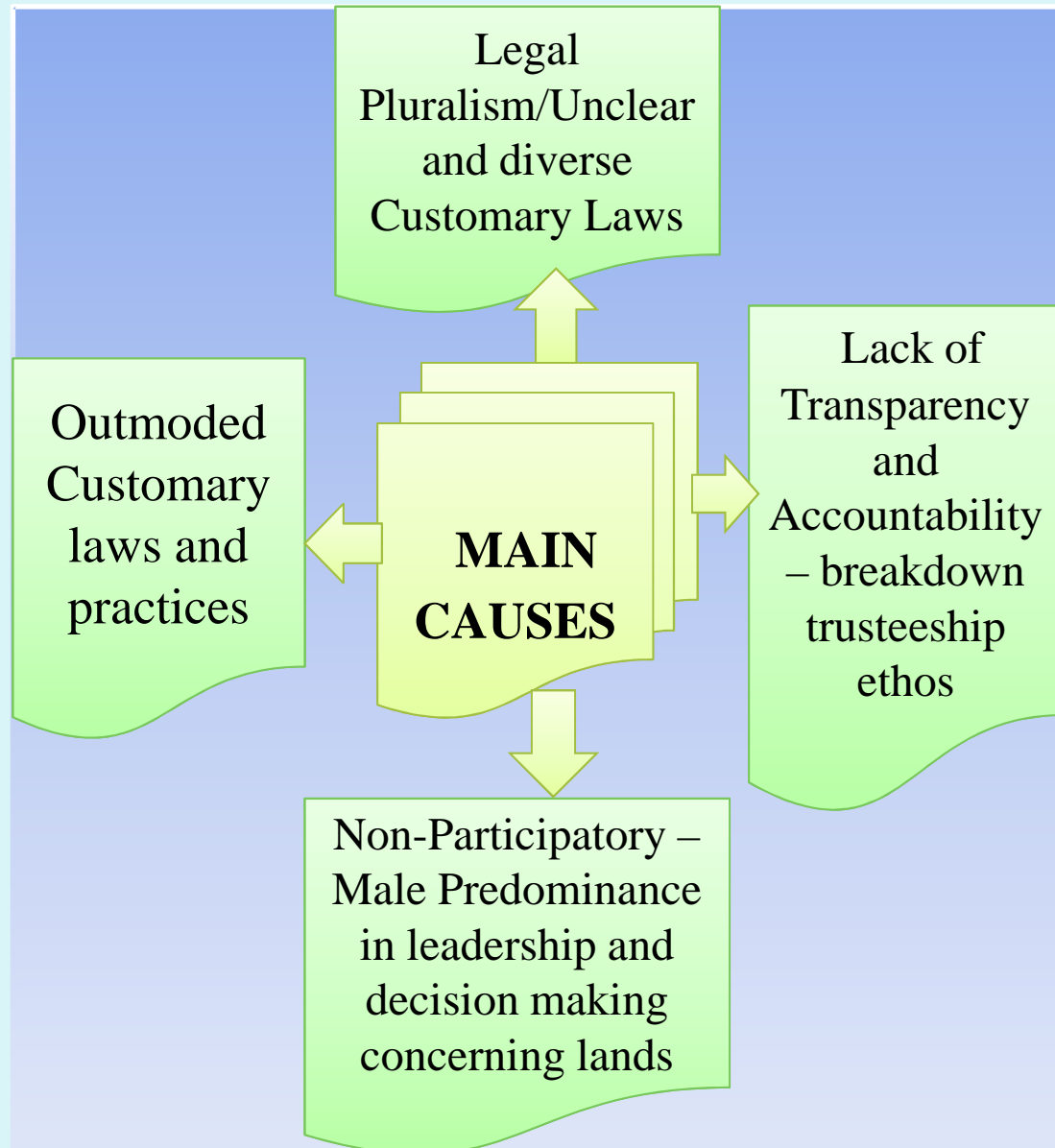
## ❑ Gender Inequalities in Land Access and Tenure Security

❑ Men and women rarely, if ever, had identical kinds of claims to land, largely because genders have very differentiated positions within the kinship systems that are the primary organizing order for land access”

❑ A very high proportion of the respondents (92.3% ~ N=120 household survey, 11 out 12 traditional /opinion leaders and 3 key informants from the state institution) indicated that women access right is weaker than men.

❑ Patriarchal notions of pre-eminent male property rights pervade kinship and inheritance practices, whether patrilineal or matrilineal

# Main Causes of Women's Weak Access Right to Customary Lands



□ A general assessment of the customary land sector further revealed that the current customary land governance system is weak and lacks the principles of good governance that are a pre-requisite for any land governance system to ensure equitable and secured land access for both men and women

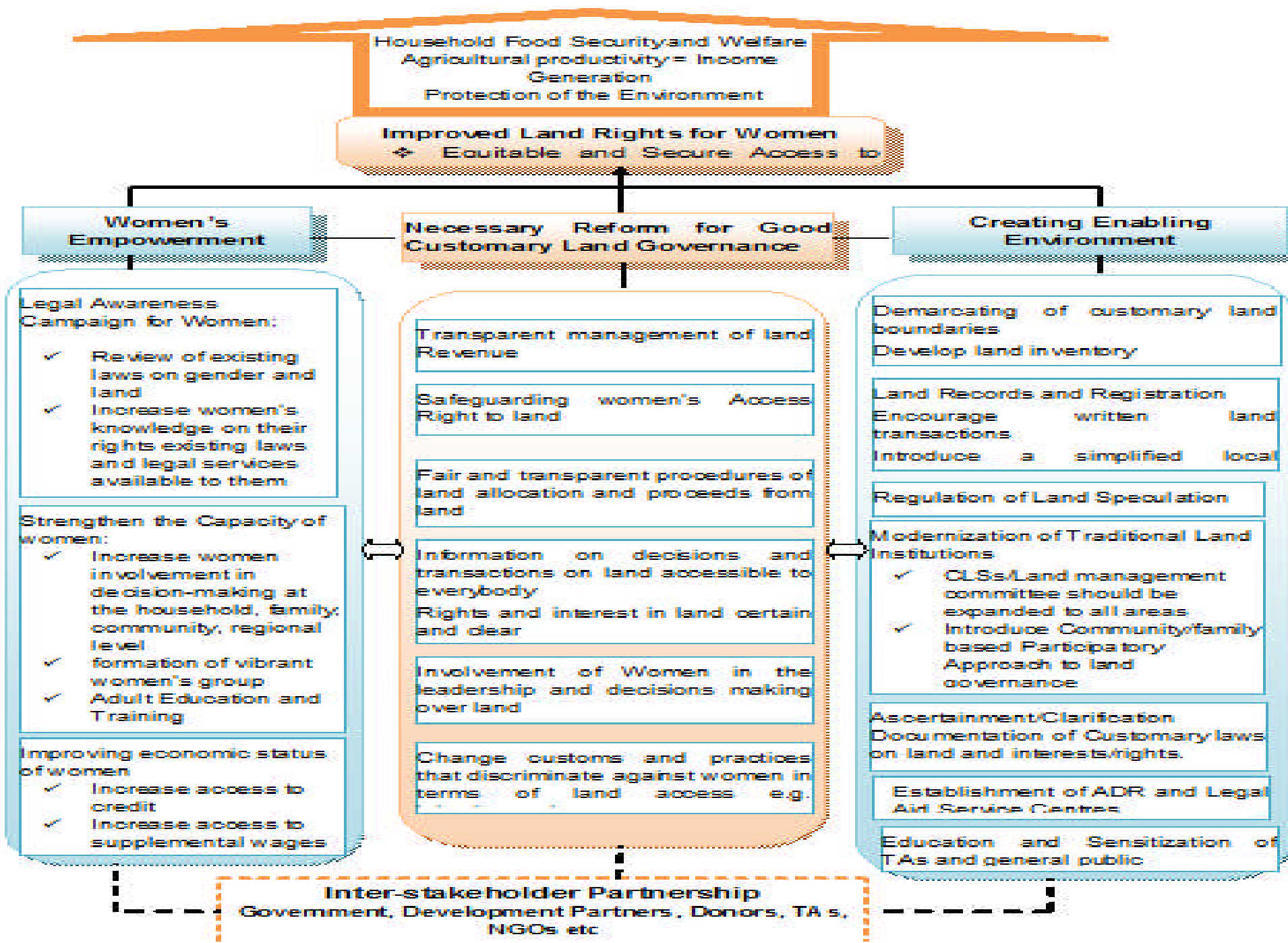
□ The present land governance system does not show any sign of changing in the near future if no decisive effort is made.

# Improving Women's Access Right Challenges

- ❑ The need to guarantee equity in the regulation of access to property is recognized internationally as an important pillar of social justice and equity. As a result a number of instruments have been formulated to promote women's rights to land and other land related assets like housing.
- ❑ A key challenge of strengthening women's land rights is how to bridge the vast gap between the principles of women's equal rights as found embedded in high level legal instruments, and their implementation.
- ❑ Magel (2001) therefore cautioned that the implementation of these legally binding international instruments and policy papers requires the readjustment of most institutional and organizational aspects dealing with land namely, land tenure, land administration, land management.

# Going Forward with Good Land Governance

- ❑ To be able to influence gender relation within the customary land sector, there is need to deconstruct, reconstruct, and reconceptualize customary law notions around the issues of land governance in general.
- ❑ The view should be to intervene at points that make the most difference for those who are easily marginalized, especially women such as enabling them to fully participate in decisions making regarding land
- ❑ Even though, good governance of customary lands has the enormous potential of improving women's access right to land now and in the future, the study indicated that women's weak access rights to land are a complex challenge that require a holistic approach from different perspectives





THANK YOU

Friday, December 10, 2010



# QUESTIONS, COMMENTS etc...



Friday, December 10, 2010