



Land Governance in an Interconnected World

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 19-23, 2018



EXPLORING GENDER-BIASED CUSTOMARY LAND TENURE SYSTEMS IN GHANA: RESULTS FROM FOCUS GROUPS WITH MEN AND WOMEN FARMERS IN THE NORTHERN REGION

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**Paper prepared for presentation at the
“2018 WORLD BANK CONFERENCE ON LAND AND POVERTY”
The World Bank - Washington DC, March 19-23, 2018**

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Abstract

Using focus groups research design, the research team investigated the effects of gender inequality within customary land tenure systems as they pertain to agricultural productivity among smallholder men and women soybean farmers in the Northern Region in Ghana. Previous studies of land tenure in other regions of Ghana indicated that, under current customary tenure systems, women farmers' rights to land are fragile when compared to that of men. Analysis of focus groups confirmed this. The study shows that land tenure insecurity may be further heightened for women farmers in the Northern Region by the interplay of common yet complex cultural practices, such as plot allotment and polygamy. Our findings suggest that the prevalence of polygamous households may have an important yet understudied impact on land tenure security among women farmers. Further, despite variations in language, religion, district and ethnicity, a general consensus among the focus group participants is that customary tenure can deeply impact women's agricultural decision making. Findings are relevant to develop interventions to improve food security and the economic well-being of smallholder farmers in rural Ghana.

Key Words:

Focus groups, Gender-biased land tenure, Ghana, Gender, Soybean

Introduction

This qualitative study^{1,2} used a focus group research design to investigate gender and land tenure dynamics in rural communities in the Northern Region of Ghana, where approximately 73.7 percent of adults are engaged in agricultural production, primarily as smallholder farmers (Ghana Statistical Service, 2013). With estimated rates of poverty at 21.6 percent, moderate-to-severe hunger at 31.1 percent, and stunting among children 0-59 months at 39.2 percent. This region has some of the highest rates of poverty, food insecurity, and childhood undernutrition in the country (Zereyesus, Ross, Amanor-Boadu, & Dalton, 2014).

In terms of gendered access to arable land in Ghana, a nationally representative household asset survey indicates that 83.1 percent of agricultural plots are individually owned by men, 9.8 percent are individually owned by women, and 3.5 percent are jointly owned (Deere, Oduro, Swaminathan, & Doss, 2013). However, data from this same survey indicates that gendered access to land is even more unbalanced in Ghana's Northern Region, such that 94.8 percent of agricultural plots are individually owned by men, 5.2 percent are individually owned by women, and less than one percent are jointly owned (A. Oduro, personal communication, 16 March, 2017).

For the current study, the research team is interested in investigating the effects of gender inequality within customary land tenure systems as they pertain to agricultural productivity among smallholder men and women soybean farmers in Northern Ghana. To do so, this work builds upon a new-institutional economics as developed in the works of Elinor Ostrom (Ostrom, 1990, 2000, 2007), aiming to understand collective action bounded by adaptive institutions under the assumption of rational individualism that ultimately can favor cooperative behavior. Understanding the institutional setting that affect women land rights is critical for this work. Specifically, our research instrument focuses on generational transfer of land and women farmers' rights to land (access to and stability of tenure) as a preliminary step in exploring gender-biased customary land tenure and agricultural output among soybean farmers. This is a preliminary study that aims to contribute to the literature on land tenure in rural Ghana by exploring the impacts of gender-biased customary land tenure on women farmers' agricultural productivity in the Northern Region. An in-depth understanding of the gender aspects of sociocultural and economic

¹ The research is supported by the Feed the Future Innovation Lab for Soybean Value Chain Research (Soybean Innovation Lab) under the U.S. Government's global hunger and food security initiative, Feed the Future. Special thanks to the men and women smallholder farmers who gave of their time to participate in the focus group discussions and staff of Catholic Relief Services (CRS)/Ghana for assistance in conducting this research.

² The primary author assumes responsibility for the contents of this research paper.

institutions pertaining to land tenure will further enhance the capacity to develop interventions to improve land access and security of tenure among women farmers in rural Ghana.

Literature Review

The development and consolidation of a legal framework for property rights requires a comprehensive assessment of the institutional factors that enable cooperation or conflict in land tenure systems. For the purpose of this article, understanding the conditions that enable gender inequality is critical to further develop interventions to improve land access and security of tenure among women farmers in rural Ghana. For example, Ostrom, Schoeder and Wynne (1993) suggest that one potential explanation of low investment in maintenance of rural infrastructure is the existence of hierarchical structures of governance that ultimately create perverse incentives to individuals participating in social arrangements in rural areas of developing countries, reducing possibilities for economic and political development. This work will use new institutional economics lenses as means to analyze the role of social, economic and political institutions affecting land tenure in Northern Region in Ghana.

Although the legal framework in Ghana indicates that the country has plural land tenure system, the predominant form is customary land tenure, where approximately 80 percent of land is own by traditional communities (i.e. stools, skins, families or clans), represented by the Supreme Chiefs or Council of Elders (FAO, 2014). As means to improve the structure of property rights to stimulate economic development, reduce poverty and promote social stability, the national government of Ghana, supported by international organizations and donor countries, launched the Land Administration Project (LAP) in 2003 with the goal of harmonizing customary and common law (Ghana Land Administration Project 2, 2017). Despite of these efforts, the results of the FAO's Legal Assessment Tool (LAT) for gender-equitable land tenure in Ghana suggest that there have been significant improvements in the regulatory framework for equitable land tenure, however land rights for women are still weak. Even though the country has advanced significantly towards the ratification of human rights instruments and have included constitutional provisions that prohibit gender-based discrimination, at the local level, the prevalence of customary systems still impacts women's land rights.

Understanding the role of norms and practices of a customary system on land tenure requires putting aside our "modern/western lenses" for a moment. Customary regimes are not in and on themselves better or worse than statutory systems, they bear different outcomes for the members of their political community resulting from the interactions occurring in different cultural contexts where tradition and community are critical, compared to systems where the individual and the rule of law govern. The norm in rural Ghana, is

the prevalence of customary law in which the traditional authority of the Chiefs of Council or Elders are central to determine land rights. But what do land rights mean in customary systems? Using the case of South Africa Bennet, Ainslie and Davis (2013) suggest that there is a difference between land access and land control, the former is a function of the membership to the community, the latter is vested in and exercised by the customary political authority. Consistent with this definition, the results of Duncan and Brants' work in Ghana suggest that access to land "is the right to enter upon and use land. These rights are usufruct rights and can be granted to male and female members of the family, lineage or stool"; control over the land is defined as "one's ability to take decisions with regard to the land (e.g. to determine the size of land used for farming activities and whether the land will be used for food or cash crop production) and the ability to transfer land titles, whether by sale or inheritance (land ownership)" (Duncan & Brants, 2004, p. 18). Considering these definitions "women have secondary access to land" and very little control over the land in Ghana (FAO, 2014). In spite of the improvements, state participation in land reform has failed to generate equal rights to women, particularly in rural areas, where the tradition and religious law supersede the principle of equality before the law.

The recent attempts to harmonize customary and statutory systems in Africa have resulted in the inclusion of regulatory frameworks that in principle favor gender equality, illustrating the role of social and political institutions adapting to changing environments. Bennett, Ainslie and Davis (2013) suggest that traditional authority is not as strong as it used to be in South Africa, although land rights are still granted through membership to the community, the uneven and limited capacity of law enforcement is introducing important changes in the regulatory framework for land rights (Bennett, Ainslie, & Davis, 2013). On the other hand, an important incentive coming from the international demand of certain commodities -for which some African countries have a comparative advantage (e.g. cocoa, cashew nuts, coffee)-, is pushing for a change in the scheme of land rights. Empirical studies have found the evolution of traditional land tenure towards individualized rights when land owners have the ability to plant trees with high market demands (Otsuka, Suyanto, & Tomich, 1997; Quisumbing, Payongayong, Aidoo, & Otsuka, 2001a; Shepherd, 1991). A study from Ghana's Brong-Ahafo region describes the transition from community-based land rights to individual rights as a results of the increasing demand of cashew nuts, a case in which those who plant cashew trees are more likely to obtain individual land ownership (Evans, Mariwah, & Barima Antwi, 2015). Nonetheless, the impacts of this transition should be considering carefully as the individualization of land rights have the potential reducing food security and creating inter and cross generational conflict. However, the lesson is that land rights evolve in a complex and changing social and community networks and therefore are fluid and in constant negotiation (Berry, 1997; Evans et al., 2015; Kushnick, Gray, & Jordan, 2014).

As agricultural land represents 69 percent of total land in Ghana (World Bank, 2014) and 73.7 percent of adults are engaged in agricultural production (Ghana Statistical Service, 2013), the land tenure structure has a significant impact on the national economy, particularly considering that agriculture represents 19.6 percent of the gross domestic product (GDP) (Statista, 2016). In this context, the ultimate goal of Ghana LAP is to stimulate investment as means to impulse economic growth, minimize poverty and reduce social conflict (Anaafo, 2015, Ghana Land Administration Project 2, 2017). However, land reform in this context can “facilitate the acquisition of large hectares of land for commercial farming” (Anaafo, 2015, p. 543) which may increase economic development but not necessarily lead to poverty reduction. In fact, Obeng-Odoom suggest that “establishing these legal frameworks has not, overall, translated into achievements in terms of broad socio-economic conditions of all classes”(Obeng-Odoom, 2015, p. 675), instead it has negatively affected the security of land tenure by increasing land disputes and speculation, guaranteeing land rights to elites, and encouraging unfair compensations for land. In the same line of thought, a comparative study by Levien (2017) suggests that rural land dispossession for economic purposes has negative impacts on women’s rights. His work shows that under situations of land dispossession, rural women lack decision-making capacity, land rights and control over compensation, and as enclosure of common resources occurs, women gets hurt by reducing their access to resources that allow them to produce food for the household (Levien, 2017).

Several empirical works in Africa illustrate the existence of insecure property rights for women, especially in rural areas, where religion, tradition, and division of labor affect the status of women. Despite the fact that women are in charge of securing food for the family, customary systems in Sub-Saharan Africa frequently prevent women from inheriting land (Cooper & Bird, 2012). In fact, in this region “women usually have secondary usufruct access rights to land gained through their husband and/or father or other male relative” (Evans et al., 2015, p. 25). The fact that patriarchal structure dominates the land tenure systems affect the status and possibilities of equal development across genders (Deere et al., 2013; Duncan & Brants, 2004; Levien, 2017). The patriarchal structure enables the prevalence of polygamous households that affect women’s land rights (Archampong, 2010), This being the case, around 22 percent of women in Ghana are in polygamous marriages (Richardson & Gaafar, 2016). Outcomes from these marriage arrangements include the potential loss of the first wife’s land rights when the husband marries a second wife, or that access to land occurs almost exclusively through man (Archampong, 2010; Doss, 2002; Richardson & Gaafar, 2016). Here, the contribution of Duflo’s (2012) work is significant for this discussion; what comes first, economic development or women empowerment? She suggests that although economic development is critical, it is not sufficient to produce gender equality, there is a need for policy to enable women’s decision making in environments

dominated by patriarchal structures. Interventions that directly affect women engagement are critical to supplement economic development efforts.

Now, there are important aspects within traditional communities that directly affect women's access and control of land, the division of labor is one of those. In Sub-Saharan African countries, the division of labor among men and women is crucial to understand land rights. The productive and reproductive functions are strictly gendered; as men are in charge of income generated crops, representing the family in public life, and heading the decision-making at the household level, women are in charge of taking care of the family, by producing food for the household, and most recently, generating additional income to sustain the household needs (Carr, 2008; Deere et al., 2013; Doss, 2002; Duncan & Brants, 2004, 2004; Evans et al., 2015; Levien, 2017). Given the division of labor it is expected a gendered variation in crop types, men are more likely to cultivate cash crops such as maize, whereas it is more probable that women farm their own land for food crops, as they hardly can afford agricultural inputs or have the time to farm cash crops (Carr, 2008; Evans et al., 2015; Richardson & Gaafar, 2016). Another relevant aspect of this division of labor, is the fact that in rural communities, women are more likely to use common pool resources to feed the family. As community lands are privatized the capacity of women to access these lands gets restricted, and therefore their capacity to farm to feed the family gets restricted (Anaifo, 2015; Levien, 2017). Also, research has shown that men and women play a different role in agricultural systems, therefore, evidence suggests "that we cannot simply lump agricultural producers together, regardless of gender, and hope to model their behaviors, land uses and crop choices in such a way as to gain meaningful information" (Carr, 2008, p. 901). Although Ghana has advanced significantly towards the development of a regulatory framework that enables gender equality in their land tenure, the coexistence of statutory and customary systems, limits the capacity of law enforcement to consistently address issues of gender inequality. Given the gendered structure of labor, agricultural policies at the local level that address gender inequality seem necessary for women empowerment in agriculture.

Efforts towards modernization of land tenure systems are important to improve economic development, but the lack of gender perspective can potentially maintain the negative balance for women. Recent scholarly suggest that adapting the land regulatory framework for economic growth without considering gender issues can produce problems of food insecurity and maintain the same patterns of women exclusion of equitable land rights (De Schutter, 2011; Evans et al., 2015; Lastarria-Cornhiel, 2006; Levien, 2017; Yngstrom, 2002). Levien (2017) suggest that reforms that produce land dispossession can have a negative impact on food security because in rural communities, women use common pool resources to produce food and access to a network of information diffusion with their peers. As reforms transform access to resources and land, women see their capacity to farm and access to information

restricted. Similarly, Anaafo (2015) indicates that “women farmers are adversely impacted by both customary and statutory land tenure systems” because access to land and other natural resources is still man-controlled (Anaafo, 2013, 2015). In this regard, the phenomenon of land grabs for commercial agriculture expanded through Africa can also impact women’s rights negatively because it usually consolidates the men’s control over land instead of encouraging equitable sharing with women (De Schutter, 2011; Evans et al., 2015; Levien, 2017; Yngstrom, 2002; Zoomers, 2010). At this point, it is central to think about the importance of maintaining the balance between economic development and women empowerment. In the context of customary systems, where women decision-making is bounded by their status within and belonging to the community, as much as setting economic growth goals is important, incorporating a gender perspective in these goals as means to balance the development-empowerment equation is crucial too. Duflo recommends to introduce policies that directly impact women empowerment: “it will be necessary to continue to take policy actions that favor women at the expense of men, and it may be necessary to continue doing so for a very long time.” (Duflo, 2012, p. 1076).

Agriculture is one of the areas that affect women empowerment in rural areas, and therefore has the potential for policy interventions. This deals with the problems of access to agricultural inputs, stability of land tenure, productivity, and access to markets. Empirical evidence suggest that more agricultural inputs like fertilizers, are used in men’s farmland, therefore men’s plots are much more productive than women’s (Doss, 2002; Duflo, 2012; Goldstein & Udry, 2008). In addition of concentration resources on the man’s plot, women have low bargaining power within the household, which affects the capacity of efficiently pool resources together to improve productivity. According to Duflo (2012), instead of cooperating in each other’s plot by pooling inputs and labor together, they work separately. This imperfect negotiation within the household ultimately affects investment levels in Ghana. There are two examples of how the lack of cooperation can affect investment decisions: men working on the wife’s land, and women’s fallowing their lands. Under the first situation, by working continuously on the women’s land, the husband will eventually claim ownership of her land and sooner or later will stop compensating her; “anticipating this, women are not ready to surrender control to their husbands even for compensation, and both members continue to produce in their own corners” (Duflo, 2012, p. 1069). In the second situation, land ownership for women is conditioned to the continuous utilization of the land, therefore women will fallow their land less than men do because they can be ejected during fallowing, making land use very inefficient for agriculture (Goldstein & Udry, 2008). In these cases, the position of women within the community affects access to agricultural inputs, productivity, and security of tenure. Goldstein and Udry (2008) and Bennet et al. (2013) for the cases of Ghana and South Africa respectively,

found that the security of land tenure is higher among individuals that hold positions of power within the community. This is consistent with Ubink and Quan's (2008) findings suggesting that the lack of accountability under customary rule in Ghana significantly affect land management and challenges the implementation of modern rules for land tenure, as they are combined with the traditional authority of chiefs and elders.

Although women still have secondary access and low control over land in Sub-Saharan Africa, there are significant efforts towards larger inclusion of women in agriculture not only for the household food security but for women's empowerment by increasing economic inclusion in the agricultural sector, a phenomenon that Lastarria-Cornhiel calls "feminization of agriculture" (2006). Overcoming the barriers produced by the status of women in traditional societies is a challenge. However, as the results of this study will show, the increasing awareness of the importance of women's land rights is built upon the incentives of having additional income in the household, as means to solve the family problems such as children's education. This is a preliminary study that aims to contribute to the scant literature on soybean production and land tenure in rural Ghana by exploring the impacts of gender-biased customary land tenure on women farmers' agricultural productivity in the Northern Region. An in-depth understanding of the gender aspects of sociocultural and economic institutions pertaining to land tenure will further enhance the capacity to develop interventions to improve land access and security of tenure among women farmers in rural Ghana.

The Research Setting: Northern Region in Ghana

This qualitative study used a focus group research design to investigate gender and land tenure dynamics in rural communities in the Northern Region of Ghana. Poverty rates, moderate-to-severe hunger, and stunting among children 0-59 months at 21.6 percent, 31.1 percent, and 39.2 percent, respectively, this region has some of the highest rates of poverty, food insecurity, and childhood undernutrition in the nation (Zereyesus et al., 2014).

In terms of gendered access to arable land in Ghana, a nationally representative household asset survey indicates that 83.1 percent of agricultural plots are individually owned by men, 9.8 percent are individually owned by women, and 3.5 percent are jointly owned (Deere et al., 2013). However, data from this same survey indicates that gendered access to land is even more unbalanced in Ghana's Northern Region, such that 94.8 percent of agricultural plots are individually owned by men, 5.2 percent are individually owned by women, and less than one percent are jointly owned (A. Oduro, personal communication, 16 March, 2017).

As mentioned in the review of the literature, the lack of gender perspective on land tenure modernization efforts can potentially maintain the negatively balance for women as it can harm food security at the household level, and maintain the patterns of exclusion for women. One of the incentives for this modernization is economic growth pushed by private investment in commercial agriculture (De Schutter, 2011; Zoomers, 2010). However, the conditions for large-scale investment in the Northern Region in Ghana are not in place, at least yet. Although, it is the larger region in the country, it has low population density, whom is mostly dedicated to agriculture, primarily as smallholder farmers. The lack of external incentives for investing in commercial farming can be one of the reasons why the transition towards modern land tenure system lays behind, compared to other regions in the country. Therefore, the focus of our study is smallholder farmers.

For the current study, the research team is interested in investigating the effects of gender equity within customary land tenure systems as they pertain to agricultural productivity among smallholder men and women soybean farmers. Specifically, our research instrument focuses on generational transfer of land and women farmers' rights to land (access to and stability of tenure) as a preliminary step in exploring gender-biased customary land tenure and agricultural output among soybean farmers. We conducted six focus group discussions (N = 72)—three women-only focus groups and three men-only focus groups—in three districts in the Northern Region where soybean is grown as both a cash crop and a subsistence crop. These sites include Saboba District, Chereponi District, and Tolon District. The focus groups were disaggregated by gender in order to encourage full engagement in discussions among all participants. Participants were briefed on the purpose of the research project and responded to a series of questions about generational transfer of land, women access to land, and access to agricultural inputs for soybean production. As participants are not English speakers, researchers used the support of local translators. Each focus group session was audio recorded and later transcribed for analytic purposes. Researchers did not collect any identification data from the participants.

Results and Discussion

An in-depth analysis of the text resulting from the focus groups discussions was conducted. Results are grouped in these categories: 1) Generational transfer of land; 2) Access (the right to enter) and Control (the ability to make decisions of use and transfer) of Land; 3) Division of Labor; and 4) Challenges of Farming Soybean. Since the focus groups were disaggregated by gender in order to encourage full

engagement in discussions among all participants, results were disaggregated into gender and community aiming at finding similarities and differences.

I. Generational transfer of land: Land transfers from the father

The analysis of focus groups illustrates the existence of two commonalities between groups regarding generational transfer of land. First, males get the land from their fathers when the father knows he is ready to farm, and second the son takes over the land when the father no longer can farm. The inheritance from father to son is common among traditional communities, in the six focus groups all the participants coincide that the son will receive the land from his father after the father knows the young man is ready to farm. The father checks, clean and then split the land into plots and then gives them to the children. However, if the father is not ready to stop working the land and/or the son is not ready to farm, father and son will farm together, and the father remains the head of the household. However, when the father is no longer capable of working because of his age or health, he fully transfers the land to his son and he will become the new head of the household.

In the focus group conducted in Saboba, participants indicated that if the mother gets old, she can give the land to her male child, who can share the land with this wife. In exchange for this transfer of land, the son and his wife have the responsibility of caring for the mother. In Chereponi community female participants expressed that getting the land means “you are given the seeds to plant and take care of your family”. This is indicative of the women’s pride on farming and caring for the family. In the same community, male participants indicated that the land stays in the family by transferring it from father to son(s), in the same fashion, they indicated the existence of a landlord, who is an elder, who assigns the lands to the young male members of the community after examining if that young man is ready to farm. In Tolon, male participants expressed that as the father gives the land to his child, he cannot leave the father alone by shifting plots, the son can beg for others but not for himself. These experiences narrated by the participants indicate the importance of family and community linkages, however the generational transfer of land occurs from man to man, and females do not seem to obtain land from their fathers, only through their husbands.

Considering the responses by gender, participant responses coincide in that the practice of generational transfer of land happens from father to son as part of the community tradition, the transfer is not only the physical access to land, but control over it, with an inherent capacity to become the family head. From the focus groups it seems that the transfer starts in the 20's and complete control transferred around the 30's. When the father dies, the land is completely transferred to the son(s), not the daughter(s), the rationale

underlying that decision is the fact that women do not use it to farm, only for food crops. Another commonality is the practice of begging in which a man on behalf of his wife or sons, beg for land to the elders, other members of the community, or even in other communities. Another common practice identified in the focus groups is that there is not generational transfer of land to the daughters, the only situation in which women can transfer land ownership is to her son, under the condition that he is going to take care of his mother.

II. *Access and control of Land: Who gets what and what does with it?*

In order to analyze how access and control of land occurs, the experiences narrated by the participants are structured around gendered transfer and access to land, and the role of traditional authority in land allocation. As the generational transfer of land indicated, land is passed from father to sons, where the elders and traditional authority are critical in the assignment of plots. In this context, the role of men is representing the household in aspects such as begging for land internally and externally.

Given the prominence of tradition in these communities, women's access to land is determined by marriage not lineage. An important practice among these communities is the limited ability of women to change their plots after they have gotten them, instead access to land is guaranteed by their ability to farm continuously, therefore, women's land can be less fertile than men's. There is also a generalized idea that women rights to the land are good because that can improve food and cash crops for sustaining the family.

In the community in Saboba, women participants acknowledged that men have the land bargaining power within the community. And that the mother can give land to her male son if she cannot farm anymore and he is ready to farm, so he can take care of her. In the case of Sangabana community, there seems to be a contradiction in the narrative of participants, on one side, both male and female participants agree that "the land belongs to the woman", however, there are embedded cultural practices such a polygamy that allow the husband to remove access to land to the first wife to give it to the second, preventing women from the security of tenure. Participants indicate that under the assumption that the land is abundant and the first wife has enough to share, or is not farming all her land, she (the first wife) can share her land with the second wife. In this case, fallowing may be a practice that allows husbands to remove access to land from their wives. In Chirifollilly community, women participants suggest that it is hard not having rights to the land because only their husband can beg others for farm land. In fact, they said that land is not enough to pass it to women, before she gets it can be too late to effectively use the land (land has been

overused). In this community, the underlying argument is that women do not have cash crops, only food crops, therefore, there is no need to improve women land rights.

An important aspect of access and control of land is tradition and community values. There are few highlights from each community. In the community in Saboba, men participants hold an interesting discussion about merit versus belonging to the community as the basis to give land to the male children. A set of the participants indicate that land should be given to the children that are capable and willing to work on the land, this narrative is challenged by another set of participants who suggest that even if not all the children are qualified or are willing to farm, the father should share equally among his male children, as means to avoid internal conflict in the family and community, one participant asserts “give different amounts of land to different children (men) may cause conflicts.” In fact, in this community, land conflict resolution is verbal, according to the participants. Therefore, that strong sense of community supersedes individuals, particularly women: “she can/should even offer her land to other in the community that may need land.” Related to this community belonging and family values, in Tolon, as the father gives the land to his son, he cannot leave the father to farm alone, if he takes the land, he also takes the responsibility of the family and its members.

Now, let’s consider the shared perspectives by men and women on access and control of land. As mentioned, land is assigned by the elders. Elders occupy a central role in traditional communities, as the leaders of the community and guardians of the land, they are wise enough to decide land allocation within the community, “so everybody who wants to farm will have some land to do so”. As the elder takes care of the community, the father takes care of the family and divides the land among its members. In the community in Saboba, there is the assumption among the members of the community that the land is abundant; therefore, there are no conflicts for land, plus, “everybody knows where their land ends.” This is a significant difference with the village in Chereponi, where land is not abundant. Therefore, every member of the community can get a share of the land but the size of the plots should be big enough to allow farming but not that big that would restrict access to another member of the community. In fact, the size of the plot depends on how much you are capable of farming; it is negotiated with the elder when he is going to assign the plot. Considering the issue of productivity, plots can be changed if they are not being productive (i.e. if the soil is not good). In the case of Tolon all the land is the same so the location does not matter. However, the old fathers assign the plots. The criterion for changing the plot is different in this community than in Chereponi, plots can be shifted but in that situation, the man would have to go far away from the initial plot assigned. That condition makes begging for land a critical aspect of access.

As far as considerations about gender and land tenure, in the community in Saboba, the husband divides his land with his wives, and if the land is not enough, the father can give his son more, so he can share it with his wife. An important statement from women participants in Saboba is "land is the man's matter, not a women's matter". It defines clearly the capacity to control land in this community. The husband takes care of the land allocation, has to beg for land for his wife, if her land is no longer fertile, or if he gets a second or third wife. According to the women in this focus group, "women do not face the challenges of searching and negotiating the land, that is the husband's problem." In contrast with this statement, men argue that woman owns her land as long as she farms it. Again the challenge of this type of ownership is "what does as long as she farms it means". In the case of Chereponi, the husband divides his land with his wives, but husband and wives do not have to share the land equally. That means size plots of men are usually higher than women's, and if for instance the first wife was given one hectare, she may have to split it with the second wife. Although land does not have to be shared equally, produce from farming can be shared and are considered part of the household. The conception about equality of land rights is challenging, although in this community, participants indicate that "land cannot be taken from a woman", "she has the right to the land. Man should collect the land and give it to the woman. He will not take it from her. The land BELONGS to her" conflict with statements such as "her plot can be shifted, just shifted for some comparable piece of land," or "women's plot can be shifted to let the plot rest or crop something else" knowing that fallowing can affect women access to land as the condition for farming is "as long as she farms." The situation is very similar in the village in Tolon. A relevant aspect of the discussion about women land rights is the fact seems to be a common place that participants think that women rights to the land are good because they are the responsible for feeding the family. Historically women did not farm but now they do. Through farming, women can help to manage the family problems.

III. Division of Labor: Divided among productive and reproductive functions

The division of labor among rural communities is a key factor understanding the structure of land tenure. Women are traditionally at and in charge of the household, whereas men are responsible for representing the household in public matters, such as begging for land or cleaning land for the children. In this regard, the focus groups allowed confirming the strict division of the reproductive function hold by women and the productive by men. Women use the land to feed the family, or to get some additional income to cover the family needs such as sending the children to school. Therefore, women have traditionally took care of food crops and have put less attention on cash crops. However, soybean seems to start making a difference allowing women to combine a crop that allows them to obtain foodstuffs and some cash. Another important issue related to the division of labor is the "age" and "farming capacity" as the basis to start farming. The combination of age, gender, and farming capacity become obstacles for women to

control land. An interesting highlight from the community comparison illustrates that in Sagbana community, the yield of the woman's plot belongs to her, not to her husband. But at the same time, that yield is used to sustain the family. In this community, women insist that they feel pride on farming, because it allows them to upbringing their families.

IV. Challenges of Farming Soybean: similar concerns, different challenges

The majority of participants in the focus groups had soybean crops in the last season. That allowed us to understand the critical challenges faced by women and man soybean farmers. Nevertheless, challenges vary by gender. The first challenge for women in Saboba is that extension agents from the Ministry of Food and Agriculture (MOFA) are available for men mostly. MOFA agents are critical for technology transfer and access to inputs like inoculum; participants from the villages in Chereponi and Tolon highlight the importance of having extension agents available. Another critical issue for soybean farmers is access to agricultural inputs, and even more critical for women. According to women participants from Saboba, since “men are the custodians of the land”, and represent them in the public life, one way for women to get access to agricultural inputs such as fertilizers, is through their husbands. But it is not only a matter of who is the representative of the household in the public life, but how to purchase those inputs? An alternative discussed in the same community is access to microloans through women SILK (microloan) groups. They can get microloans to purchase fertilizers or pesticides that the women’s crops require. Significantly, access to land is one of the most critical factors for women in farming not only food but cash crops, like soybean. As the literature review indicated, and the discussion around access and control showed, women access to land can be in many cases late, when the land is no longer fertile; or the community condition to farm continuously, does allow women to fallow their land because they are at risk of losing access, affecting the quality of the land. In addition, in the participant communities, women are supposed to “own” the land, but that means access and not control. The cultural norm of polygamy can seriously affect women access to land and in that way, it can create a perverse incentive to not invest time, effort, and financial resources for cash crops. And these challenges add to the fact that smallholder farming in this region is supported rain fed systems, making productivity depending upon the climatic conditions year-round and the fertility of the land.

Specifically, to the challenges of farming soybean, there are coincidences between man and women farmers. In general, participants know what inoculum is, know that it can enhance the yield, but agree that it is hard to get or do not know how to get access to it. In terms of planting, farmer’s concerns are regarding the difficulty of planting in rows, both men and women suggest that only when MOFA agents bring ropes, they can better plant. During harvesting, one of the problems is not having gloves because

they can cut your hands easily. And the threshing is hard because they have to use a stick and they do not have tarpaulin that would help them to protect from the debris. In addition to the farming challenges, sometimes productivity is not as good as expected or prices are too low because everybody is harvesting. Adding to these challenges face by men and women farmers, women participants pointed out the difficulties of harvesting with children.

Nevertheless, participant farmers express a positive sentiment towards farming soybean. They said “soy crops can be profitable and the yield is good”, those are outcomes that can happen with appropriate access to agricultural inputs, which can turn soybean farming into a good food and economic alternative for farmers and household members. All the groups but one of women said they save some seeds from the current to the next season. The group that indicated they do not save the seeds said: “sometimes women want to save some seeds for the next season but because of the problems in the household, they have to sell it all and sometimes the prices are not good.” Pressures at the household could be another constrain for women to effectively use their resources for farming. All the groups indicated that soya is becoming widely used for foodstuffs, that children and adults have incorporated it nicely in their diets.

Conclusion

For the current study, the research team investigated the effects of gender equity within customary land tenure systems as they pertain to agricultural productivity among smallholder men and women soybean farmers. The research team used new institutional economic lenses to understand the conditions that enable gender inequality. Result of this work illustrate the role of social, economic and political institutions affecting land tenure among men and women soybean farmers in Northern Region in Ghana.

The majority of land in Ghana is used for agricultural purposes and is informally held under customary tenure systems that vary across villages, districts, regions, and ethnic groups. Previous work from the United States Agency for International Development (USAID) (2013) suggests that there is a need to “harmonize statutory and customary law” (p. 1) as a means to increase economic growth in the agricultural sector—particularly among men and women smallholder farmers. The national government of Ghana started the Land Administration Project in 2003 with the goal of harmonizing these systems, which can sometimes be in conflict and can negatively impact economic activity in the agricultural sector. Indeed, the overlap between customary and statutory land tenure systems has important gender implications as the literature review and result showed. There is a pressing need to address issues related to women’s land rights in Ghana as means to improve living standards in rural communities, where

women farmers play a critical role in household food security and economic well-being of the household as the focus groups indicated.

Previous studies of land tenure in other regions of Ghana indicate that, under current customary tenure systems, women farmers' rights to land are fragile when compared to that of men (Doss, 2002; Kuusaana, Kidido & Halidu-Adam, 2013; Lambrecht, 2016; Quisumbing, Payongayong, Aidoo & Otsuka, 2001; Richardson & Gaafar, 2016). This was confirmed in the analysis of focus groups. Although gender-based discrimination in land tenure is constitutionally prohibited in Ghana, national regulations that have been adapted in deference to customary land tenure systems can inhibit the protection of women farmers' rights to access and secure land. We found that, consistent with Richardson and Gaafar (2016), "Women's land rights are more insecure than men's in the Northern Region" (p. 5), given that the primary way a woman farmer can acquire agricultural land is with the permission and assistance of a man, often either a father, brother or husband. We also found that land tenure insecurity may be further heightened for women farmers in the Northern Region by the interplay of common yet complex cultural practices, such as plot allotment and polygamy. For example, participants in both men's and women's focus groups reported that men are typically allocated larger plots as compared to their wives. Men then apportion approximately one-quarter of their allotment to a first wife. However, when a husband takes a second wife, the first wife may be required to share her plot allotment with the second wife.

Our findings suggest that the prevalence of polygamous households may have an important yet understudied impact on land tenure security among women farmers. Further, despite variations in language, religion, district and ethnicity, a general consensus among the focus group participants is that customary tenure can deeply impact women's agricultural decision making. That is, women farmers with limited resources have less economic incentive to invest expensive agricultural inputs (e.g., fertilizer) and other resources into their farm plots when that land may be taken from them without recourse. And in a feedback loop, land tenure insecurity may inhibit women farmers' ability to secure economic resources (e.g., loans) to purchase agricultural inputs when lenders know that women can lose the land. In fact, the lack of control of financial resources at the household level and the need of husband's consent to apply to loans is an issue among other African countries with customary land tenure systems that negatively impact women farmers' ability to secure loans for economic development purposes (African Development Bank, 2016; Kimani, 2008).

Our finding add to the scant body of research that suggest that enhancing land tenure security for women farmers in Northern Ghana can play a critical role in improving agricultural productivity in the region.

These results may be applied to other countries and regions in sub-Saharan Africa with similar systems of customary land tenure that are gender-biased in favor of men farmers.

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