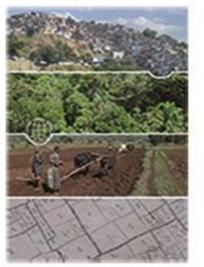


# Catalyzing Innovation

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## LEGAL ESTABLISHMENTS AND GENDERED ACCESS TO LAND IN PATRIARCHAL SOCIETIES OF NORTH-WESTERN GHANA

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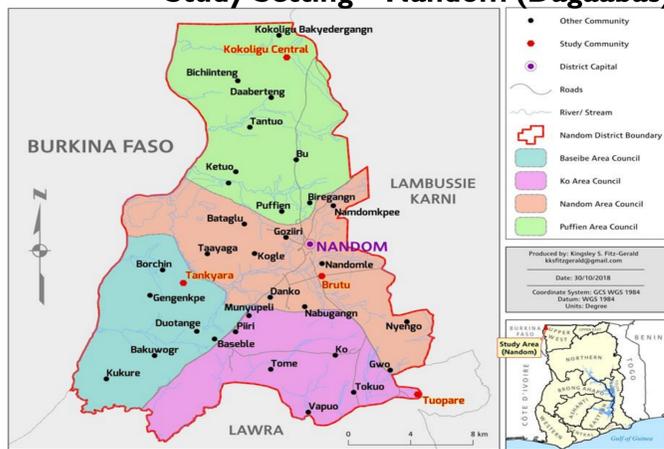
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### INTRODUCTION

- In most parts of Africa, the system of land tenure is largely customary in terms of ownership and access rights (Kuusaana & Eledi, 2015; Quisumbing et al., 2001).
- In the case of Ghana, about 80% of the lands are customarily owned and/or held in trust of the people by stool/skin (chiefs) and clan/family heads (Kuusaana & Eledi, 2015; Kasanga & Kotey, 2001).
- In the southern sector; where all customary lands are held in trust of the people by the stool, women as well as men have equal rights to own and access lands. On the other divide (Northern Sector), women do not have land ownership and access rights within their patrilineal system of property ownership via inheritance (Higgins & Fendrich, 2011; Odeny, 2013; Kuusaana & Eledi, 2015). This practice limits women's access rights to only borrowing from male relatives thereby exposing them to tenure insecurity (Duncan, 2004).
- In effort to address the inherent gender disparity within the customary tenure system, various conventions and legislations have been promulgated (Duncan, 2004). However, after over two decades of legal reforms, customary practices still relegate women access to land in patriarchal societies of Northern-Western Ghana (Higgins & Fendrich, 2011).
- This research thus examines the persistent gender inequality in land ownership /access within the patriarchal society despite equity enhancing establishments.

- A case study design approach was adopted with limited survey to gather data from selected communities and organizations.

### Study Setting – Nandom (Dagaabas)



Map showing the four area councils with selected communities

- Four different communities were selected from four administrative area councils in the Nandom District of North-Western Ghana using Consultative-criteria.
- Two focus groups were then constituted in each community among land custodians and women.
- Discussions among groups were moderated with interview guides and an audio recording device.
- To strengthen reliability of findings, the study surveyed 120 household heads in the four communities using stratification and simple random sampling techniques.
- The study also gathered data from local agriculture based organizations (PRUDA and NANDRIDEP).
- Data were transcribed and analyzed through pattern matching and supported with direct quotations.

### ACKNOWLEDGEMENTS

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### RESULTS

#### Recognition of Gender Equity Concerns in Patriarchal Land Tenure System

- A land custodian noted that “[...] land is the most valuable property which our grandfathers gave to us to be farming small-small to feed our families and when your time is up (death), it is share among your male children. We don't sell it, when a female relative or another family is in need, you just cut a portion for them to use and take it back whenever you need it....” (A Tindana at Tuopare: December, 2017).
- The above quote implies that the entire framework of owning and accessing land in the district has more preference for males while giving females a limited recognition or opportunity in land borrowing for use. Even the granting of this “borrowing” right is based on their relationship with/discretion of male owners (see Duncan, 2004) which exposes them to tenure insecurity.

#### Awareness on Equity Enhancing Legal Establishments

- Majority (75.8%) of household heads- male and female- were not aware of any legal establishment that guarantees that women just as men be allowed to own properties such as land.
- As indicated by a female household head on the Intestate Succession Law 1985 (PNDC Law 111), “[...] I have never heard of any law that women too can own or are entitled to their husband's property when they passes on...if not, this would not have been my fate. When my husband died, I started using his farm but his brother later told me last year that, I disrespected him and for that reason, I shouldn't farm on the lands again. So I have been offering myself as a labourer to people in their farms to get food for myself and children....” (A Widow at Tuopare, December, 2017). According to the widow, her late husband's land has not been shared among the male children because they are still young and hence customary practices demand that the brothers take control until the children are of age.
- Some of these respondents (75.8%) however averred that their travel experience to Southern Ghana made them aware that women also inherit or own lands but thought that was customary and not based on legal/constitutional provisions.

#### Perceptions on the Possibility of Legislation Bridging the Gender Inequality Gap within the Patriarchal Customary Land Tenure System

- Majority (71.7%) of households in the survey noted that a change in the system of land tenure to include women through legislation was not possible as it would breed conflicts within and among families.
- These respondents including land custodians attributed their reasons to: (i) preservation of tradition and cultural practice on land as sacred property for males and as such women have no hand in it; (ii) increasing population vis-à-vis smaller portions of land available for the males; (iii) breakdown of family systems as women will have the right to act independently without consulting their male partners; and (iv) women being regarded as defenseless and hence cannot stand up to protect their community or family lands if they are allowed to own and use them independently.
- A land custodian elucidated on point (iv) that: “[...] Look, some years ago, my people (Dagaabas) had serious land disputes with the Sissalas and we as men had to stand up and fight. Imagine, if women were the owners; they would have just left them to take it away and we'll be forced out....” (A Tindana at Kokoligu, December, 2017).

### CONCLUSIONS

- The desire to preserve tradition and cultural heritage by land custodian and the people as well as low level of awareness on gender equity establishments/legislations account for the persistent and inherent gender disparity in land relations within the patriarchal societies of North-Western Ghana.
- Therefore, a pragmatic approach would be required to enhance female access to land and ownership in patriarchal societies. Legal establishments that aim to change the existing gender disparity in societies, particularly on land relations as proposed by the feminist theory (see Yodanis, 2004; Tajfel & Turner, 2004) would bears a greater risk of failing in rural patriarchal societies without effective sensitization programmes to change perceptions and cultural orientations that women cannot own or have control over properties.
- Males household heads and land custodians thus need to be convinced that granting land ownership and/or access rights to women would yield much benefit to the society than the feared cost (i.e., possible family breakdown/conflicts). Hence, legal establishments seeking to bridge gender disparity on land relations regarding female ownership and access rights in patriarchal societies need to be accompanied with intensive sensitizations programmes to have a chance of halting the persistent challenge in the fight against food insecurity (SDG 2) and poverty (SDG 1) in Sub-Saharan Africa

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