

Land in Africa: Market Asset, or Secure Livelihood?

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The Significance of Secure Access to Land for the Livelihoods and Food Security of Africa's Farmers and the Urban Poor

**Prepared by
Prof. Dominic Fobih (MP)
Minister of Lands and Forestry, Ghana
As a Contribution to the Conference**

INTRODUCTION

I am grateful to the organizers of this Conference for inviting me to share thoughts on the above topic. The topic is so important as it is directed at the heart of one of the critical issues facing Africa in its development process.

Land is the basic source of livelihoods for majority of Africa's population. Subsistence farming, small-scale mining, pastoralism, reliance on timber and non-timber forest products provide sustenance to majority of Africa's farmers and urban poor.

Poverty, disease and ignorance have been described as the greatest enemy to progress of developing countries and the brunt of it is felt in the rural areas where majority of the people live. It is therefore obvious that denying large segments of rural society equitable access to land and the benefits of secure land tenure lead to unanticipated costs and sometimes conflicts. Property rights to land is one of the most powerful mechanisms by which people can increase and expand their asset holdings beyond land and labour to the full portfolio necessary for sustainable livelihoods and poverty reduction.

Access to land, land tenure reforms, and land resource management however, remain difficult subject areas for many African countries, governments and communities. These have just recently been placed on the development agenda with various land reforms being pursued in many African countries such as Ghana, Uganda, Mozambique, Tanzania, Zimbabwe, South Africa, Malawi, Zambia, Namibia, etc.

Insecurity of tenure, restriction to access arising from government policies and the operation of laws in a legal pluralistic environment have been cited as some of the critical issues that affect access to land for development, livelihoods and food security. Food security is a function of several factors but obviously includes yields which itself may be a function of security of tenure.

Lessons from recent research on land tenure indicate that the countries that have invested in the technical and institutional infrastructure required for efficient and equitable land tenure administration and have been in the forefront of ensuring property rights for both men and women, have developed much faster with a much higher level of food security, health and welfare. It is in this broad context that this paper analyses the significance of secure access to land for the livelihoods and food security of Africa's farmers and the urban poor. My presentation is structured on the following key issues:

- The population growth challenge;
- Access to land and security of tenure for livelihoods;
- Peri-urban transformation and pressures on land for agriculture;
- Government's response to tenure challenges and finally
- Conclusion on the subject

This paper draws on Ghana's rapid population growth and the high rate of urbanization which is not matched by an expanding urban economy and the current land reforms under

the Land Administration Project (LAP) being implemented by the Ministry of Lands and Forestry.

THE POPULATION GROWTH CHALLENGE

The population of Sub-Saharan Africa is estimated to be 688.9 million as at 2002 and growing at a rate of 2.7 percent per annum. It is one of the continents with the fastest growth in population. The population has doubled since the 1960s and at its current rate of growth will double again in 22 years. At the same time economic growth in Sub-Saharan Africa in recent years has been disappointing with per capita GNP growth of just about 0.2 percent per annum between 1965 and 1988. However, not all of Africa's development problems can be directly attributed to population growth and reducing the rate of population growth alone will not be sufficient to improve the quality of life. But it is equally disturbing that rapid population growth is constraining Africa's development. The high population growth rate, high levels of poverty, conflict, climatic changes and the increasing threat of the HIV/AIDS menace provide formidable challenges to governments all over Africa, putting severe constraints on resource mobilization and utilization.

The population of Ghana is also growing at a fast rate. According to the 2000 population census, Ghana's population stands at 18.9 million, and corresponds to an increase of 53.8 percent over the 1984 figure of 12.3 million (i.e. over a period of 16 years). The current population is estimated at 20.3 million. This represents an inter-censal growth rate of 2.7 percent per annum. While this rate is lower than the rate for West Africa (2.9%) it is high in comparison to the rate of the world (1.5%) and the average for the less developed countries (2.0%). The population density for the entire country is 79.3 people per square kilometer.

While this density may indicate no great pressure on land, the same cannot be said of pressure on resources and what the land can generate and therefore has a direct bearing on livelihoods and food security. Apart from the Greater Accra and Ashanti Regions where 87.7% and 51.3% respectively is urban, the rest of the country remains predominantly rural, in spite of the substantial level of urbanization since 1984 (43.8% compared to 32% in 1984). The peri-urban areas in these two regions bear the brunt of urbanization and are the areas of very intense transformations in terms of tenure and livelihoods.

The rural areas where levels of vulnerability is relatively high, the problems of women's access to land is acute and rural livelihoods in general and food security systems are very important indicators for survival. These have a bearing on socio-economic development of the country and for poverty reduction.

ACCESS TO LAND AND SECURITY OF TENURE FOR LIVELIHOODS

Land ownership in Ghana can broadly be categorised into three namely: customary lands (about 78%), state lands (about 20%) and vested land (about 2%). Land therefore is predominantly owned on communal basis by the customary sector and tenurial arrangements are usually driven by customary practices. It is also important to point out

that the customary system of land ownership operates in both urban and rural areas, unlike some countries in sub-Saharan Africa where the customary system is not recognized or does not operate in urban areas. The land owning group may be a stool, a clan, or a family. Customary land ownership and practices occur where the right to use or to dispose of use-rights over land rest neither on the exercise of brute force, nor on the evidence of rights guaranteed by government statute, but on the fact that they are recognised as legitimate by the community, the rules governing the acquisition and transmission of these rights being usually explicitly and generally known, but not normally recorded in writing (Bower, 1993). Such ownership may occur in any one or a combination of the following ways:

1. discovery and long uninterrupted settlement;
2. conquest through war and subsequent settlement;
3. gift from another land owning group or traditional overlord or
4. purchase from another land owning group.

Other lesser interests that flow out of the allodial interest are the use rights of members of the land owning community, tenancies, licenses and pledges. Customary lands are managed by a custodian (a chief or a head of family) who manages the land with the principal elders of the community. Any decision taken by the custodian that affects the rights and interest in the land, especially disposition of any portion of the communal land to non-members of the land holding community, require the concurrence of the principal elders as well as consultations with those using the land. Custodians of customary lands therefore hold the land in a fiduciary capacity and are therefore accountable to the members of the land owning community.

Members of the land owning groups had unfettered access to land in the past and remained in control of any portion of the group land that they were able to cultivate. With the introduction of cash and tree crop farming and population growth, people moved from their own communal land areas to other areas to acquire land. Such people entered primarily into 'share cropping' tenurial arrangements with their landlords. These arrangements, which were mainly oral, worked well when land was in abundance. With time and as population increased the size of land available reduced.

Family land holdings in some parts of the country are very small, the problem having been exacerbated by the inheritance system, making it difficult for large-scale plantation systems. Indeed any attempt to develop large-scale farming amounts to depriving the holders of their means of livelihood and economic survival, creating conflicts. This situation makes it difficult to break the cycle of poverty for wealth creation, despite the ownership of land by a family, compounded by the method of farming. The communal ownership of land also restricts the size one can develop even if the one has the capacity.

One is likely to conclude that with the density of population per km² Ghana does not face any serious problems. However, the fact is soil fertility is not uniform throughout the country and the types of soil that can support good agriculture on a sustainable basis is limited. In these areas land is becoming scarce and there is competition between the members of the indigenous land owning community and migrants who are prepared to

pay for the land. Monetary consideration in recent times has therefore proved to be a stronger factor in obtaining access to land and in the allocation of rights than the mere membership of a landowning community. In the 'competition' therefore the 'indigenous' people usually lose out to the migrants, creating a difficult situation for indigenes to sustain their livelihoods in such circumstances.

Some general characteristics of customary land ownership present considerable challenges to tenure security, sustainable agriculture, sustainable livelihoods and food security. The boundaries are not generally surveyed and in some cases undefined. There are conflicting claims to ownership. In some instances it is difficult to ascertain the person in whom the allodial interest resides. In many other instances there is the need to distinguish between jurisdictional right of the custodian and proprietary rights in land. There is improper record keeping of judgements, dispositions and other records relating to the land by the custodians. Land litigation is therefore high, creating insecurity. The absence of legal recognition of land through registration and therefore as a liquid asset that can be turned into some form of wealth at any time locks up all the potential wealth within the land.

The nature of tenurial arrangements and control over tenure sometimes present challenges to both the owners and users of land especially rural land uses. Since many of these arrangements are oral and depends on memory for enforcement with time the exact terms agreed upon become issues of dispute. This coupled with the dynamics of agriculture and economic decisions the users of land make tend to create tensions between the owners and users of land. For example, where a piece of land is given for the cultivation of cocoa, the presumption from the grantor's perspective is that the grant excludes marshy areas (which are not suitable for cocoa cultivation). To the land user however, the entire land has been granted to him/her and he/she decides what use the marshy area should be put. This often results in disputes, as the land owner would like to grant the marshy areas to other people for other uses such as rice cultivation.

The complexities of rural land tenure is complicated by the possibilities of change of use of the land granted. Economic development, principles of entrepreneurship and prudent economic management require that economic decisions be based on maximization of returns. Therefore where the economics allow farmers would switch from one cash crop to the other. For example there has been considerable shift from cocoa cultivation to oil palm production and from cocoa to tree plantation. These changes of uses of land are usually without any reference to the grantors of the land, creating tension, and disputes between the grantors and the grantees.

Another critical challenge confronting rural livelihoods is land uses in the fringe communities of forest reserves. Forest and wildlife resources over the years have been managed to the exclusion of the local communities. It has therefore been very difficult to solicit the cooperation and collaboration of the communities in the enforcement of forest and wildlife laws.

Tree tenure is not synonymous with land tenure in several parts of the country. Access to land does not therefore guarantee access to naturally occurring trees which are vested in the state and has been managed in the past to the exclusion of the communities who might have tended the trees on their farms when the trees were young. The result was that there was no incentive for the farmers to tend the young timber shoots and in some cases the shoots were actually destroyed. The long term adverse effects of this practice on the environment and food security is quite enormous.

Equitable sharing of benefits from land and forest resources also has implications for sustainable livelihoods and food security. Current legal provision for the disbursement of revenue from land and forestry is limited to the state (59.5%), the custodians of the land (22.5%) and the traditional councils (18%). Nothing goes to the people who daily work the land and protect the resources through various farming practices.

Increase in population and expansion of settlements at the fringes of forest reserves and national parks have resulted in farming within forest reserves, as well as illegal felling of trees, and poaching of wildlife. These are serious issues that affect proper management of forest and wildlife resources. The solution to these does not lie in legislation only, but rather on a combination of both legislation and an effective programme of collaboration and cooperation of the local communities involved. The need to find a mutually beneficial way of integrating the communities into forest management programmes to secure and sustain the livelihoods for the communities so as to ensure that the communities participate in the benefits the reserves bring is now an acceptable strategy for dealing with the problem.

PERI-URBAN TRANSFORMATIONS

The rate of tenure and land use transformation in the peri-urban areas of the major cities in Ghana (and for that matter in many other cities in Africa) is quite alarming. Whilst the inter-censal population growth rate in the country is 2.7% that of the peri-urban areas of Accra, the capital is 4.4% per annum. Fertile agricultural lands are being converted into urban uses. It is estimated that about 6,000 hectares of agricultural lands are converted into urban uses annually, leading to loss of livelihoods for the indigenous inhabitants of these communities. The mechanism for conserving, controlling or integrating urban agriculture in the urban land use and land management systems is weak.

Even though customary land ownership principles require that no access can be granted to non-indigenous members without the prior consent of the occupier of the land, there are indications that this principle is no longer tenable, as decisions on granting land to non-members are taken without any reference to the occupiers of the land. The importance of the peri-urban areas as sources of food supply is gradually eroding as the fertile agricultural lands are subjected to invasion by urban users for mainly residential development.

In the cities and other urban areas desire for building materials, as a result of a desire for homeownership and a construction boom, has also resulted in disturbing rights to land, thereby creating uncertainty. Sand needed for construction is won at the periphery of

major settlements, and topsoil scrapped before mining the sand is hauled away for landscaping, leaving hard pan that is virtually not suitable for any other land use. Unfortunately the occupiers of the land usually do not benefit from the exchange value of the land as they are excluded from the decision-making process and negotiations. The net effect of the current tenurial arrangements has consequences for tenure and food security for farmers and the urban poor, for the extent to which individuals and families are able to be food-secure depends in large part on the opportunities they have to increase their access to assets such as land, as well as access to markets and other economic opportunities.

Mining activities especially surface mining is one major land use activity that creates insecurity of tenure, as it tends to displace several farmers away from their lands, with very high environmental consequences. Usufructuary rights are virtually disregarded without any form of compensation for the loss of livelihood. In the few cases compensation may be paid for owners but not for the loss of livelihood.

The net result of the above are high levels of insecurity and uncertainty of land rights in the peri-urban, surface mining and some farming areas among land acquirers, leading to the adoption of unorthodox methods to protect land and interests acquired, referred to in the local parlance as “land guards”. There is also loss of livelihoods as farmers lose their lands to urban developers. In some areas there is a complete breakdown of established structures for holding and managing customary held lands.

These challenges and others such as weak capacity among indigenous land owners for effective land management, transforming agriculture from indigenous subsistence practices to a more commercial oriented agriculture, reducing numerous land cases in the courts as well as reducing tenure and boundary disputes have prompted the New Patriotic Party Government to adopt and continue with the Ghana Land Administration Project as a means of dealing with the issues that militate against achieving security of tenure and food security. Before discussing this however, it is necessary to discuss the broad development agenda for the country.

The high incidence of poverty highlighted in this presentation is a source of concern from Government. Consequently it has adopted a policy framework to reduce poverty. This has led to the adoption of the Ghana Poverty Reduction Strategy.

THE GHANA POVERTY REDUCTION STRATEGY

The GPRS represents a comprehensive set of policies to support growth and poverty reduction over a three-year period and beyond. It is informed by the conviction of the current government that the economy of Ghana needs to be managed effectively to enable the creation of wealth and reduction of poverty. The goal of the strategy is to transform the nature of the economy to achieve growth, accelerated poverty reduction, and the protection of the vulnerable and excluded within a decentralized, democratic environment. To this end, the GPRS has identified policies, programmes and projects that seek to realize the following objectives:

- a. Sound economic management for accelerated growth;

- b. Increased production and the promotion of sustainable livelihoods;
- c. Enhanced development of human resources and the provision of basic services;
- d. Intensification of the provision of special programmes to support the vulnerable and the excluded;
- e. Good governance and increased capacity of the public sector; and
- f. Effective promotion and stimulation of the private sector as the main engine of growth and as partners in nation building.

Based on the above the government has identified five core areas as priorities. These are:

- i. Infrastructure – principally the construction of roads, improving the development of ports and improving telecommunication.
- ii. Modernised agriculture based on rural development. Under this it is proposed to reform land acquisition to ensure easier access and more efficient land ownership and titling processes.
- iii. Enhanced social services particularly with regard to education and health services.
- iv. Good governance aimed at ensuring the rule of law, respect for human rights and attainment of social justice and equity.
- v. Private sector development aimed at strengthening the private sector in an active way to ensure that it is capable of acting effectively as the engine of growth and poverty reduction.

We believe, as economic history has shown, that socio economic development almost all over the world, is associated with investments in secured lands be it for trade commerce, agriculture, mining or services. Appropriate institutional innovations to provide secured land can lead to a virtuous cycle economic growth, and increased welfare. On the other hand, failure of the institutions administering land rights to respond to these demands can lead to a vicious cycle of land grabbing, conflict and resource dissipation that in extreme circumstances can undermine societies’ productive and economic potential. The GPRS identifies the land constraints as one of the major obstacles that need to be overcome if the goals of the strategy are to be met.

THE GHANA LAND ADMINISTRATION PROJECT

The active participation of key stakeholders such as the customary land owners, users, public agencies, civil society organizations, and the judiciary is a sine qua non in our effort to address the issues of land ownership, tenure, vulnerability and food security.. Ghana has therefore embarked on a complex land administration project with a clear objective of stimulating economic development, reducing poverty, promoting social stability by improving security of land tenure, simplifying the process of accessing land and making it fair, transparent and efficient, developing the land market and fostering prudent land management. This will be achieved through implementation of a long term (15 – 25 years) land administration reform program, which is also the vehicle for implementing the National Land Policy which was launched in 1999.

The first phase of the program is aimed at developing a sustainable and well functioning land administration system that is fair, efficient, cost effective, decentralized and which

enhances land tenure security. The critical areas for consideration and intervention in this first phase are:

- i. Harmonising the land policy and regulatory framework;
- ii. Institutional reform and capacity building for comprehensive improvement in the land administration;
- iii. Establish an efficient, fair and transparent system of land titling, registration, land use planning and valuation;
- iv. Develop innovative methodologies for improving land administration, including community level land dispute resolution mechanisms.

The Land Administration Programme recognises the important role land tenure plays in achieving sustainable rural development. We believe that sustainable agriculture and rural development are critical areas of activity where improving access to land by the poor is key to food security, improved livelihood opportunities and wealth creation.

Expected outputs of the LAP include:

- (a) Systematic compilation and documentation of landowners, rights of holders, demarcation of allodial boundaries.
- (b) Establishment of Customary Land Secretariats to complement the efforts of the Land Registry. The aims are:
 - i. Strengthen the customary system of land rights management since they provide a relatively secure means at a lower cost than state-run administrative structures.
 - ii. Ensure security for the most vulnerable who are always the first to lose their land - tenant or migrant subsistence farmers, subject usufructs, women, etc.
 - iii. Reduce the risk of landlessness and exclusion and help fight poverty.
- (c) Improved security of tenure, certainty of ownership, reduced land litigation, easy access to land and transparent procedures among other things, to create an environment favourable for promoting agricultural growth, investment and development in land. This will also impact positively on:
 - i. Sustainable livelihoods food security and creation of agro-based industries receive a major boost when agricultural productivity increases.
 - ii. Promotion of a dynamic, market oriented small holder farming sector Ghana's agricultural strategy for a long time.
 - iii. Curbing rural-urban migration a pragmatic land policy practice which will provide a good platform for attracting foreign direct investment and development.
- (d) Re-engineering the land administration institutions to make them more service-delivery oriented with a higher level of collaboration and cooperation with the structures for the administration of customary-owned lands. The functions of the

public sector land agencies will be streamlined to avoid duplication whilst services will be decentralised to bring them to the doorstep of the people. Capacities of these agencies as well as the customary institutions are being developed so that they can effectively deliver.

FORESTRY SECTOR REFORMS

Efforts at improving forest management have been based on collaborative forest management principles aimed at security of tenure for the forest resource, security of the forest resource itself, equitable sharing of benefits from the forest resource and development of the resource.

Integrating communities along the fringes of forest reserves and national parks in the management of such resources is also being pursued under a Community Forest Management Project, also being implemented by the Ministry of Lands and Forestry.

It has been realised that it is no longer possible for the state alone to control illegal activities within forest reserves and national parks and at the interface between the fringes of these reserves and human settlements. There is therefore the need to develop integrated programmes that involve the local communities in the management of the resource. They have been identified as co-owners with higher stakes in the resource, and engaged in the modified taungya system. Under this system, farmers integrate tree planting into farming and are remunerated for taking care of the trees. The farmers retain their interest in the trees long after the canopies have closed and will benefit when the trees are harvested.

In other practices farmers plant trees to restore degraded forest reserves. Non-timber forest products with early maturity are interplanted with the trees to ensure that the farmers earn income while the timber trees are not yet matured. These initiatives are to help establish conditions for the long term sustainable management of the forest and wildlife resources, which will then contribute to both sustainable livelihoods and environmental sustainability in support of government's programme for equity and poverty reduction.

CONCLUSION

Secure access to land in agrarian economies like that of Ghana has a significant role to play and is in fact very fundamental to social and economic processes and the achievement of sustainable livelihoods, food security, poverty reduction and national development. However, land issues usually require a deliberate policy of government to include land and all its ramifications in the broader national development agenda. Ghana has taken a critical look at its land issues in the country and is developing a framework that will provide for a sustainable land policy that is aimed at poverty reduction and economic growth.

We however must get every key stakeholder on board, resulting in a lengthy stakeholder engagement on all major activities. These tend to slow the pace of the program but the results will be worth the effort.

THANK YOU.