



# The implications of land tenure and ownership regimes on sustainable mangrove management and conservation in two Ramsar sites in Ghana



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## ABSTRACT

In spite of their economic and ecological significance, mangroves in most coastal communities, including Ramsar sites in Ghana have witnessed unprecedented exploitation, leading to degradation of the ecosystem. In the face of this degradation, several restoration and conservation interventions have been implemented by both government and civil society organizations in collaboration with the communities. However, these efforts directed at mangrove conservation and restoration in the Songor and Keta Lagoon Complex Ramsar sites have largely failed to improve the conservation and sustainable use of mangroves, because key issues relating to access, ownership regimes and land tenure are often overlooked. The study therefore focused exclusively on exploring these governance issues and how they influence the sustainable conservation and utilization of mangroves in the two Ramsar sites. Eleven communities from the Sangor Ramsar site and the Keta Lagoon Complex Ramsar site were involved in the study. Participatory rural appraisal (PRA) tools such as key informant interviews, focus group discussions and direct observations, as well as questionnaires were employed in generating data on ownership regimes and how they influence the management and conservation of mangroves. The results showed that the existing ownership regime of mangrove resources has a direct bearing on the effectiveness of mangrove conservation and utilization. While mangroves under individual ownership dominated at Keta Lagoon Complex Ramsar site, family owned mangroves dominated the Songor Ramsar site. Most of the existing mangrove ownership regimes (community, clan or family lands) in the area allow access to the people to exploit mangrove resources indiscriminately without restrictions/regulations which results in over exploitation and degradation. Given the weakness of effective governance regimes and inadequacy of a formal legal framework governing mangroves in the Ramsar sites, a collaborative effort between the Forestry Commission and the communities or individually owned mangrove areas that “formalizes” mangrove management present the best opportunity to regulate access and exploitation of the mangroves at the Songor and Keta Lagoon Complex Ramsar sites, by providing legal backing to the community governance arrangements for sustainable conservation and restoration efforts.

## 1. Introduction

The concept of tenure has been explained by Bruce (1989) to mean bundle of both rights and obligations. He posited that it includes the rights to own, hold, manage, transfer or exploit the land and natural resources, without compromising the right of others to also benefit from these resources. It defines the property and what a group can do with it. Moreover, tenure is also a social institution involving traditional practices, customary and formal laws. In many rural communities, natural resources tenure does not only depict a relationship between the people, the land and the natural resources but also the link between members of the community and those outside it, in terms of rights and obligations on the control and use of these natural resources. Therefore,

it shapes ownership and access rights to natural resources which is a prerequisite to the use and benefits from these resources (Aggeman et al., 2007; Bruce, 1989).

In Ghana, mangrove land holdings mostly fall within community or individual control, and as such they have been used to satisfy several societal needs, resulting in massive degradation (Kumi et al., 2016). Like other coastal ecosystems, mangroves are not safe from human intervention and destruction. They were traditionally managed by small coastal communities at a sustainable level, but their intense exploitation has led to an ever-worsening picture (Vanucci, 2004). This unprecedented natural resources degradation and depletion at both global and national levels prompted Ghana to ratify many conventions relating to environmental sustainability. At the international level, the

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country ratified for example, the Ramsar Convention in 1988, leading to the designation of the Keta Lagoon Complex and Songor Ramsar Sites, and subsequently enacted the Wetlands Management (Ramsar sites) Regulations 1999. The prime focus of these legislative frameworks was to protect, conserve and sustainably utilize wetlands of international importance. One major obligation under the Ramsar Sites Regulations 1999 was to ensure the implementation of the principle of “wise use” of these wetlands and their resources, without compromising the ecological integrity of the wetlands. Within the context of coastal environment, the government and other stakeholders have shown commitment towards the protection and management of the natural resources as indicated by the drafting of various strategy documents such as the Coastal Zone Management Indicative Plan, Integrated Coastal Zone Plan, National Wetlands Conservation Strategy and Action Plan, including many other restoration and conservation projects.

However, unlike terrestrial forest reserves, the management of the coastal zone vegetation, mostly mangroves have not been captured under a legislative framework which could ensure that sustainable utilization can be assured. Thus, most of the mangroves areas in the Keta and Songor Ramsar sites are not captured under an effective resource governance regime, and hence remain vulnerable to threats of exploitation and conversion. Nonetheless, several organizations have engaged mangrove communities in various project interventions, in an attempt to increase the awareness for conservation and sustainable utilization, including restoration, given its importance as a designated Ramsar site. In spite of the increased awareness about the importance of mangrove conservation and mangrove restoration efforts promoted by these organizations, the degradation of mangroves at both Ramsar sites continues (Forestry Commission's Manager of the Ramsar sites, *pers. Comm.*). It is increasingly becoming clear that most of the conservation and restoration efforts that have been rolled out in the mangrove areas have not captured the dynamics of governance issues relating to land tenure, ownership rights as well as access for exploitation, and how these governance issues could influence management decision making and sustainable utilization of mangroves at the Ramsar sites (Van Oosten, 2013; Guariguata and Brancalion, 2014; Mansourian, 2016). While issues relating to access, ownership rights, land tenure regimes and their implications for management and exploitation of terrestrial vegetation in Ghana have been extensively studied (Acheampong et al., 2014; Marfo et al., 2012; Kasanga, 1994; Agyeman, 1993), studies on mangroves tenure and ownership regimes remain largely limited. Knowledge gaps relating to these governance issues could render any mangrove vegetation restoration or conservation initiative ineffective (Beresnev et al., 2016), as these issues are very paramount in determining how community resources are managed and utilized, including decision making on protection and enforcement of regulations. An understanding of the governance issues relating to access, ownership rights and land tenure in the Songor and Keta Lagoon Complex Ramsar Sites could therefore bring a better perspective on mechanisms and interventions to adopt for sustainable management, restoration and conservation of mangroves in Ghana fulfillment of the aims of the Ramsar convention. The study therefore focused exclusively on exploring the governance issues related to access, ownership regimes and land tenure affecting sustainable conservation of mangroves in the Songor and Keta Complex Ramsar sites. The specific objectives were to (1) To assess the effectiveness of existing ownership regimes in conserving mangroves resources, (2) To explore how mangrove ownership influences various management regimes in the Keta Lagoon Complex and Songor Ramsar sites, (3) To identify past and existing community based mangrove management interventions (socio-cultural practices) and the associated challenges in effective implementation.

## 2. Theoretical considerations

To put this study which examines how land and mangroves tenure affect sustainable conservation of mangroves in the Songor and Keta

Lagoon Complex Ramsar sites in Ghana in a broader perspective, it is useful to first review the underlying concepts that underpinned the study. The review focuses on the concepts of natural resource tenure and property rights.

Natural resource tenure simply refers to the terms and conditions on which natural resources are held and used (Bruce, 1986). It includes issues such as ownership, access or use rights. The bundle of rights that an individual or a group holds to natural resources may include the right to own, to inherit, to plant, to dispose of and to prevent others from using the natural resource (Fortmann, 1985). Birgegard (1993) asserts that tenure is not a matter of man's relationship to natural resources, but it is a matter of relationships between individuals and groups of individuals in which rights and obligations with respect to control and use of natural resources are defined. Tenure is, thus, a social institution. Tenure relations in rural communities in Africa are often complex. Local tenure systems may incorporate aspects of official legislation as well as traditional or customary tenure systems (Marfo et al., 2012). For example, instead of one person having all the rights to a given plot of land and the resources on it, the ‘bundle of rights’ may be divided depending on the resource - the land is owned by one person, the trees by another. It may also be divided depending on the way the resource is exploited - one person may be considered the owner of a tree and have exclusive rights to cut it down or collect the firewood, but many other people may have rights to collect fruits or leaves. Or, the rights to the resource may change over time - one person may hold land for cultivation purposes during the rainy season while it becomes pasture with much less restrictive rules of access during the dry season (Freudenberger, 1994). Another characteristic of local tenure systems is that they are often adaptive; evolving over time in response to changing ecological, social and/or economic conditions (Freudenberger, 1994).

One of the factors that affect the way in which natural resources are used in many settings is the security of tenure that local people possess in relation to the resources. Where individuals lack secure rights to natural resources, there are strong incentives for such individuals to use up these resources before they are lost to the harvesting efforts of others (Banana and Gombya-Ssembajjwe, 1998). Similarly, where a natural resource has little economic value to local people because of insecure tenure, sustainable local management institutions are unlikely to emerge (Lawry, 1990). Tenure is therefore a major determinant of whether local people will be willing to participate in the management and protection of natural resources. One useful way to examine the questions of why breaches of efficiency in the use of natural resources occur and why individual or group interests in natural resource management and use could diverge from those of society at large is based on the concept of property right. Property rights are an important factor in natural resource management. The manner in which individuals use natural resources in their localities depends on the property rights governing those resources (Tietenberg, 2003). Bromley (2003) defines rights as “...the capacity to call upon the collective to stand behind one's claim to a benefit stream” and qualifies rights as relationships between persons with respect to an object rather than as a relationship between a person and an object. He also defines Property as the benefit stream derived from an object. Property rights is thus “a triadic social relation” involving the relationship between the individual who possesses the right, others that have to refrain from interfering with the right holder's exercise of those rights, and an institution to back up the claim (Bromley, 2003). Randall (1981) also recognizes this triadic relation, and argues that property rights specify the relationships among people with respect to the use of things, and the penalties for violation of those relationships. There must therefore be an institution to enforce the claims and decide which claim is valid. According to Bromley (2003), the claims to a benefit stream derived from the property rights, are enforced by “some higher body (usually the state), which will agree to protect through the assignment of duty to others who may covet, or somehow interfere with, the benefit stream”. Defining property as a stream of benefits implies that property does not refer to an object per

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