



Land consolidation, customary lands, and Ghana's Northern Savannah Ecological Zone: An evaluation of the possibilities and pitfalls



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ABSTRACT

Land fragmentation has been identified to greatly undermine crop production in many countries. In the case of Ghana's customary tenure system, household farmlands are relatively small and are highly fragmented. Recent agricultural drives, however, have focused on farm level interventions that are ad hoc with short-term benefits. A sustainable long-term application of land consolidation which reorganises farmlands may improve yields, reduce the cost of production and improve the incomes of farmers. The successful implementation of land consolidation depends greatly on the suitability of local conditions with respect to land tenure and land use. However, in Ghana's customary lands, the alignment between the requirements for land consolidation and existing conditions remains unexplored. This study investigated the feasibility of land consolidation within the customary tenure by juxtaposing the local conditions of the study areas with the baseline conditions for land consolidation outlined in literature. Using both qualitative and spatial data, the study revealed some traits of convergence and divergence with respect to the baseline conditions in the study areas. For example, conditions such as the existence of land fragmentation, suitable topography and soil distribution were fully met. Conditions such as the existence of a land bank, technical expertise, and infrastructure and supportive legal frameworks were partially met. The remaining conditions such as the willingness to participate, availability of a land information system and favorable land ownership structure were non-existent. The circumstances surrounding these unmet conditions are deeply embedded in customs and traditions that hardly yield to change. Since these conditions are fundamental for land consolidation, their absence negates the feasibility of land consolidation under the current tenure system of the study areas.

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1. Introduction

There are a number of factors that affect the level of output of crop production. These factors vary in extent across the globe and include climatic conditions, level of technological advancement, farming practices and government policies—including those related to land tenure systems. With respect to the latter, a land tenure system might promote land fragmentation, which is known to undermine agricultural productivity in developing countries (Demetriou et al., 2013b). Land fragmentation generally creates disjointed and small farmlands, thereby acting as a disincentive and a hindrance to the development of agriculture (Manjunatha et al.,

2013). However, the viewpoint is debated: Blarel et al. (1992) argue in favor of land fragmentation describing it as a way of reducing risk and easing seasonal bottlenecks. In Ghana, it is estimated that about 90% of farming households operate on less than 2 ha (MoFA-SRID, 2011): these farmers keep multiple farmlands for the production of a variety of crops. Customary institutions including chiefdoms, families and *Tendaamba*¹ predominantly own the land (Arko-Adjei, 2011). The collective ownership of land gives every member the right to use a portion of the communal land. Asiama (2002) is of the view that customary tenure arrangements provide members with equal interests in land and this leads to fragmentation of farmlands as families try to allocate land for the use of every member. It

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¹ The *Tendaamba* (singular—*Tendaana*) are the descendants of the pioneer migrants and they are the ultimate authorities regarding land in their respective villages and towns in Ghana (Kasanga, 1995).

is generally believed that an increase in the number of owners creates land fragmentation (Farley et al., 2012). Fragmentation is also linked to inheritance (Demetriou et al., 2013b; Niroula and Thapa, 2005). As farmlands are transferred from parents to children they become common property and risk being fragmented.

For cases like Ghana, if farmland fragmentation is accepted as a problem, responses will likely depend on innovative approaches such as land consolidation (Thapa and Niroula, 2008). Land consolidation is the process of re-allocating rural land that are considered fragmented (Vitikainen, 2004). It is also seen as a tool for enhancing agriculture and assisting rural development (Sklenicka, 2006; Thomas, 2006). The concept of land consolidation has a history dating back to the Medieval Ages in Europe. The current form of land consolidation practices have evolved in Europe towards the end of the 19th Century to the beginning of the 20th Century (Vitikainen, 2004). The concept developed with time and became multidimensional incorporating emerging issues like environmental management, development of rural areas (Zhang et al., 2014) and improvement of appropriate infrastructure (Vitikainen, 2004). Lemmen et al. (2012) indicated that, the initial mono-functionality of land consolidation was to increase agricultural production through parcel enhancement; reduction of production cost and increases farm efficiency. Thus the consolidation of farmlands enhances the allocation and interactions between land and the other factors of production. Having farmlands together provides farmers the opportunity of reducing travel time, operational costs and also optimises the movement of machinery and labor.

Current interventions in the Ghana agricultural sector including the Food and Agriculture Sector Development Policy (FASDEP I & II) and strategies like the Growth and Poverty reduction Strategy (GPRS I & II) provide seemingly good objectives including the improvement of food security, enhancement of farmers' income, application of science and technology, sustainable management of land, and improvement of institutional coordination (MoFA-SRID, 2011). However, the implementation of these objectives focuses on subsidies and credit access programs which are mostly supported by international donor agencies, and they subsist as long as the support is continued. Over the years, the attention has therefore always been on short to medium term programs, with little or no attention on the sustainable application of long-term strategies such as land consolidation. Land consolidation is self-supporting and appears more sustainable because it takes place once for a given set of farmlands and does not require continuous support from either government or donor agencies.

Experiences with land consolidation in countries like the Netherlands, Germany and Denmark have demonstrated good results for agricultural output. In these countries private property rights and state ownership are dominant, however, scientific research is lacking on the use of land consolidation within the customary tenure environment where there is communal ownership of land. In Africa, land consolidation has not received much attention. Ghana, a country dominated by customary tenure, has not tested land consolidation as an option for enhancing agricultural development. Having regard to the complexities of customary tenure such as oral allocation, indeterminate boundaries and emotional attachment to land, it is unclear if land consolidation will be feasible. This premise underlies the overarching objective of this paper: to investigate the feasibility of land consolidation in the customary areas of the Northern Savannah Ecological Zone (NSEZ) of Ghana. Specifically, the study enumerates the baseline conditions required for conventional land consolidation, examines the existing tenure and land use situation, and compares the baseline conditions to the context of the study areas. The paper first provides a background on customary tenure systems in northern Ghana, land fragmentation and the consolidation nexus. Subsequently, the

study methodology, data, and findings are presented. Discussion, conclusion, and policy recommendations follow.

2. Customary land tenure systems in Ghana

The concept of customary tenure is multi-dimensional and has been used synonymously in different contexts with the terms 'indigenous tenure', 'traditional tenure' and 'communal tenure' by various researchers (Arko-Adjei, 2011). USAID (2012) describes customary tenure as the embodiment of rules that govern the access, use and disposition of land and its resources within a community. Customary tenure reflects existing social conditions and is administered according to the customs of each community; unlike statutory tenure, which is introduced and administered under various statutory legislative frameworks. Under customary tenure, land is sometimes seen as a spiritual entity recognised as a divine heritage in which the spirits of the ancestors are preserved (Asiama, 2002). Elias (1956) viewed land in the customary parlance as an age-long entity that connects the past, present and future members of a community. He thus observed that land belongs to a huge family with which many have died, a few are alive, and an incalculable multitude yet to be born. Therefore rights over land are supposed to be exercised in such a manner as to preserve the land for the living and the unborn.

In the Ghanaian setting, customary ownership accounts for about 80% of the total land (Kasanga and Kotey, 2001). Families and communities, through stools and skins,² own these lands. Although differences exist among various ethnicities, there is enough commonality to enable a categorisation of the Ghanaian customary tenure systems into two broad groups. The first category is land owned by communities that exist as chiefdoms. In this category there is a centralised political structure composed of a hierarchy of chiefs headed by a king. The hierarchy devolves from the king to paramount chiefs, divisional chiefs and caretaker chiefs (Arko-Adjei, 2011). Under chiefdoms, each hierarchy of authority has an overriding power over all the smaller chiefs below it. As indicated in the hierarchy, the chiefdom is divided into paramount areas and each paramount area has divisional areas, which consist of local communities. The second category is land owned by families where the *Tendaamba* play an eminent role in the ownership of land and alienation. Family lands are controlled by family heads, usually the father in a nuclear family and the oldest elder in an extended family (Godwin and Kyeretwie, 2010).

Land in the customary parlance is held in common and is subject to the use of members as a natural right. There are historical developments that have influenced the transformation of the customary tenure system. The effects of colonialism, economic development and population growth, according to Mends (2006), have gradually transformed the rights that are associated with customary land. Also, the development of land policies and land tenure formalisation by the state has enormously affected the very nature of customary tenure. For example, the introduction of leasehold interests has weakened the right of free access and perpetual use of land through the use of legislations. Also, the disparity between the land rights under formal and customary land administration has virtually changed the customary rights of free and perpetual use, as allodial titleholders tend to give leases to both members and non-members alike (Yaro, 2012). Consequently land has become a

² The use of the terms stool and skin represents the symbols of authority of chiefs in Ghana. Whilst the stool is the symbol of authority for chiefs in the southern part of Ghana, the skin (of an animal) is the symbol of authority for chiefs in the northern part. There is often the tendency in Ghana to refer to the chieftaincy of a particular area as the stool or skin. There are even verbal forms created: to *enskin*, to *enstool*; and derived nouns: *enskinment* and *enstoolment*.

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