



# Land reforms and land rights change: A case study of land stressed groups in the Nkoranza South Municipality, Ghana



David Anafo\*

University of Tasmania, Institute for Regional Development, Cradle Coast Campus, Burnie, TAS 7320, Australia

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## ABSTRACT

Ghana has since the introduction of the National Land Policy in 1999 developed and began the implementation of a Land Administration Project with the goal of ensuring transparent and secure access to land by investors as a means of stimulating national development. This study was conducted using a qualitative research paradigm. An ethnographic case study approach, construed as a merger of case study and ethnographic methods for detailed socio-cultural analysis of a phenomenon was employed to undertake the study. Although, the research acknowledges the role of community dynamics in shaping land rights change; it attributes current land rights changes to a land reform system that exposes close knit communal land resources to global resource consumption and transnational land deals. The study therefore recommends that to safeguard the land rights of vulnerable land users, land reforms must be constructed such that they embody the spiritual, physical and human worldviews of land.

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## Introduction

A major resource in the production mix and a foundation of the wealth of developing countries is land and it is widely acknowledged that properly designed property rights have the potential to unpack the value of land and enhance socio-economic development (de Soto, 2000; Economic Commission for Africa, 2004; The World Bank, 2002). The relevance of land to socio-economic development of nations is made much clearer by Bruce when he states that:

“The role of land tenure—property rights in land—has been a major preoccupation in development discourse from the time of giants like Adam Smith and Karl Marx through to today’s luminaries, such as Hernando de Soto. In spite of their substantially different perspectives, none of these worthies ever doubted the critical importance of land and property rights in the development process” (Bruce, 2006: 1).

Land’s acclaimed importance can only be realised when proper policy directions and implementation mechanisms lead to improved and secure access to land for the greatest number of land users. Achieving this has been the domain of land reforms, “the generic term for modifications in the legal and institutional framework governing land policy” (FAO, 2003: 69). The pursuit of

land reforms, however, is surrounded by theoretical and conceptual positions which posit methodological supremacy over each other.

There is that group of theorists (Cooter, 1982; de Soto, 2000; Demsetz, 1967; The World Bank, 2002, 2013) who see individualised systems of land ownership as the most appropriate way of making land available in a secure and productive manner. Others (Banik, 2008; Commission on Sustainable Development, 2008; Morsink, 1999) rather argue that land can be made much more productive and secure if the distribution of the benefits and burdens are entirely left to the bureaucratic governmental machinery. And yet still a third group (Dolšak and Ostrom, 2003; Ostrom, 1990; Ostrom et al., 2002) posit that the productive potentials of land are better harnessed when the governance processes are determined by communally defined structures and institutions.

Some other works (Anafo, 2013; Chigara, 2004; Davy, 2009, 2012; Deininger, 2003; Manji, 2006) have advocated for integrated, contextualised, organismic and “polyrational” approaches to land reforms as opposed to the “silo” approaches being mooted. The arguments of these individuals are centred around the fact that such integrated approaches offer better options for the attainment of welfare, efficiency and equality and empowerment, the goals of land reforms as proclaimed by Platteau (1996) and Agarwal (2003).

These theoretical debates, notwithstanding, land reforms are receiving greater attention by the governments of many developing countries (Bruce, 2006). Examples include the land and real estate registration of the Kyrgyz Republic; the land titling and registration project of Armenia; the farm privatisation support project of

\* Tel.: +61 0428941634; fax: +61 0364304965.

E-mail addresses: [david.anafo@gmail.com](mailto:david.anafo@gmail.com), [David.Anafo@utas.edu.au](mailto:David.Anafo@utas.edu.au)

Tajikistan; the urban property rights titling and registration project of Peru; and tenure reforms in the former homelands and South African Development Trust (SADT) (Bruce, 2006). Africa has had its fair share of these reforms and Ghana, the focus of this paper, has since 2004 been implementing a Land Administration Project (LAP) that seeks “to stimulate economic development, reduce poverty and promote social stability by improving security of land tenure, simplifying the process for accessing land and making it fair, transparent and efficient, developing the land market and fostering prudent land management” (Ghana Government, 2003: 3).

Broadly, this research seeks to understand the impacts of land reforms as practiced in Ghana on poverty reduction. This is examined within the context of changes in the claims and rights of different land users and implications on the sustainability of their livelihoods. This paper, through the Nkoranza South Municipality case study, seeks specifically to understand the extent to which land resource governance in Ghana, altered through land administration reforms, are contributing to change the land access and use rights of vulnerable land actors. This is relevant because, while a number of discourses (Cotula, 2007; Economic Commission for Africa, 2004; Yankson et al., 2009) have examined the changing land rights context, the role of land reforms in deepening those changes, or otherwise, has not received much attention. This is the gap being filled by this study. Ghana's case is significant for advancing the policy and academic debate about this subject because the LAP was instituted as part of the neo-liberal imperative for economic reforms dictated by the World Bank on debtor countries.

The paper is divided into three parts. The first part introduces the study, describes the research area and discusses the methodology that was used in undertaking the research. The second part discusses the traditional land tenure of Nkoranza and the reforms that have taken place, as well as the motivations behind those reforms. The final part discusses the conception of land in the Nkoranza area, primary and secondary rights to land and how such rights have been altered by land reforms; arguing that land access and use rights grounded on consensual and cooperative community practices are now being driven by the market forces of demand and supply.

### The research site

The district selected for this study is one of 37 others that benefitted from the Customary Land Secretariats (CLS) initiatives of the Land Administration Project (LAP). The 37 districts, located in various regions across Ghana were initially identified through desk studies and consultations with various land sector actors. In line with the research questions of this study, however, 5 out of the 37 districts were chosen for further assessment, based on desk study results. These 5 included Dormaa Municipality, Ejura-Sekyedumase Municipality, Nkoranza South Municipality, Savelugu-Nanton Municipality and Builsa District; chosen because they satisfied the variables of rurality (agrarian with varied, but good mix of farming and pastoralism); and diversity of land based, land stressed actors (women farmers, pastoralists and migrant farmers). These actors are defined as land stressed because pastoralists and migrant farmers are non-members of the land owning communities and their land access arrangements are negotiated outside customary practices of descent/family lineage. Women farmers, however, are thought to be adversely impacted by both customary and statutory land tenure arrangements, resulting in less than optimal access to land and other natural resources (Agarwal, 1994; Lastarria-Cornhiel, 1997).

Further analysing the districts, Builsa district and Savelugu-Nanton were eliminated because the researcher could not effectively communicate in the local dialects of those communities. Again, the research questions can be adequately answered



Fig. 1. Map of Ghana with Nkoranza inset.

Source: Adapted and Modified from FAO (2006).

in districts with characteristics similar to those of Builsa and Savelugu-Nanton without compromising on the need for first-hand understanding of the study issues.

Reconnaissance surveys were undertaken in each of the remaining 3 districts for the purpose of selecting the most appropriate study area. The Nkoranza South Municipality (NSM) was chosen because it exhibited dominance in the areas of migrant farming activities; good mix of pastoralism and farming; and the active involvement of women in Agriculture when compared to the other districts. Having chosen the study area, the research sought to have a fair coverage of the district in a holistic manner. As a result, data collection was conducted along the four agricultural operational zones of the district, namely: *Dotobaa* operational zone, *Nkwabeng* operational zone, *Nkwanta* operational zone, and *Ayeredede* operational zone. Within each operational zone, respondents were selected based on availability, readiness and willingness to partake in the research.

NSM is located in the middle portion of the *Brong-Ahafo* region of Ghana. It covers a total land area of 1100 km<sup>2</sup> and is composed of 126 settlements. The population of the municipality currently stands at 100,929 with an annual growth rate of 2.3 percent. Fig. 1 is a map of Ghana with the NSM inset (map not drawn to scale) (Nkoranza South Municipal Assembly, 2010).

### Methods

This study was conducted using a qualitative research paradigm. An ethnographic case study approach, construed as a merger of case study and ethnographic methods for detailed socio-cultural analysis of a phenomenon was employed to carry out the study. Data was gathered from the following sources:

- Twelve (12) migrant farmers, twelve (12) pastoralists and thirteen (13) women farmers were interviewed using semi-structured interview schedules to understand the extent to which land reforms impacts their rights to access and use land. The study also recruited and interviewed eight (8) land governance

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