

**CHANGES IN WOMEN ACCESS TO AND OWNERSHIP OF LAND IN NORTHERN GHANA**

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**Abstract**

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**Purpose** — The paper sought to investigate some of the advocacy interventions on women's rights and their impact on the evolution of culture surrounding women's land rights.

**Methods** — The research adopted a qualitative approach; using key expert interviews comprising of planners, traditional authorities and land governance experts. The focus group discussions were composed of Twelve groups consisting of Seven to Nine participants in each group.

**Findings** — The evolution of culture on customary land governance has been as a result of advocacy interventions on human rights implemented mainly by NGOs in the Northern part of Ghana.

**Conclusion & Recommendation** — The study revealed that there are positive changes in women's access to and ownership of land even though some challenges still exist. Hence, it is recommended that stakeholders need to equip themselves with the current realities of cultures that border on land ownership and accessibility in Northern Ghana.

**Keywords** — Land rights, women, customs, development, property commodification

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## **Introduction**

Ghana's economy is mainly agrarian with 40% of its export earnings from the agricultural sector (Glazebrook et. al., 2020). Agriculture is so critical to the extent that, in 2015 about 36% and 76% of the entire labour force of Ghana and the rural population respectively were employed in this sector (GSS, 2015).

Women constitute 70% of the labour force of subsistence farming in Ghana (Britwum and Akorsu, 2016). Hence, they contribute greatly to the food-basket and so their agricultural productivity is crucial for meeting food security. Research so far has shown that the participation and productivity of many of these women, especially those in the Northern part of the country is however hampered by limited access to land. Even where women are given lands by their husbands or families, these lands are usually unproductive and far from their homes (Williamson, 2021). This limits their participation in agriculture production.

As enshrined in the constitution of Ghana (Article 17[2]), women are to have equal access to land, inheritance of property and should not be discriminated against with regards to access and ownership of land. According to the Land Access and Tenure Security Project of 2016, Ghana has signed a number of conventions aimed at eliminating gender-based discrimination which includes access to economic productive resources. Hence, a lot of organisations have been at the forefront of the campaigns for gender parity with regards to land rights.

The paper sought to investigate some of the advocacy interventions on women's rights, explore the customs regarding women's land tenure and examine the evolution of culture surrounding women's land rights.

### *Conceptualizing Land, Access and Ownership*

#### *The Meaning of Land*

Land is very important for human existence, recognition, identity, as well as power and wealth creation. Land has economic, social and spiritual values. Its economic attributes include being a

source of income, food, employment and export earnings. Socially, land is a place of settlement, providing a location where people live and to which they return. Other values with symbolic and ritual connotations are that land serves as a burial site, sacred woodlands and spiritual life. Also, the landscape provides different kinds of important environment services which comprise water, biodiversity and many other wild products (Toulmin & Quan, 2000). Bonye and Kpieta (2012) stated that, the traditional tie between rural people and their land is both material and religious or spiritual.

Land can be viewed to have two images, as Earth and as a Commodity (Boye & Kpieta, 2012; Cotula et al., 2004). As earth, land has a physical structure which emanates from the minerals and plants embedded there, minds and senses of beauty, from a relation to its contours, colours, textures, tastes, and smells. The land/earth is said to have a life force or vital energy that invigorates humans, flows through, and is collected in the soil, rocks and plants (Cotula et al., 2003 cited in Boye & Kpieta, 2012).

The notion of land as a commodity is rooted in the cultures of the West. And with modernization, this notion has caught up with Africa and many countries are undergoing land reforms to be able to perfectly play this role. As a commodity, the land is perceived to be a property that can be exploited, bought, sold, exchanged, or treated as the owner desires. As a property, the owner can formalize his/her rights by registering a title deed (Cotula et al., 2003 cited in Boye & Kpieta, 2012).

### *The Concept of Land Access*

Access refers to the ability to gain entrance or admission into a property or the permission to use an asset or thing. Thus, it refers to obtaining a right of entry or the right to use. Cotula and his collaborators reiterated that, access to land entails the processes that “people, individually or collectively, gain rights and opportunities to occupy and use land (primarily for productive purposes but also other economic and social purposes), whether on a temporary or permanent basis”. These

include access through the formal and informal land markets, kinship and social networks and through state and other authorities that have control over land (Cotula et al., 2006).

### *The Concept of Ownership*

Like access, ownership has to do with a property and the rights that an individual can exercise on that property. According to Runger (2006), ownership is one of the most important concepts of Jurisprudence. This is a right that relates to one's property. The concept is said to have developed with the evolution of civilization and society. The concept is important with regards to both legal and social interest aspects of the society. 'Own' in the term ownership means to have a hold on something. A relationship between a person and an object he owns is called ownership. It means a bundle of rights which a person has over the object. The right of ownership can either be absolute or restricted and is residuary in nature. The rights of an owner include the right to dispose and destroy the property, enjoy the property, exclude other people from using that property, dispose of the property, and in fact, to whatever the owner wishes so far as it is within the law.

### **Women Access to and Ownership of Customary Land**

Customary lands encompass all lands which are owned by kingdoms, tribes, families and, in some instances, individuals. Customary lands are usually owned collectively, although management and administration are often vested in a chief, an elder or a designated leader, who is appointed in accordance with customs. They constitute an estimated 80 per cent of all lands in Ghana (Kasanga & Kotey, 2001). Access to and ownership of land under the customary management is determined by membership to a landholding community (Kuusaana et al., 2013).

Women gain access to land through their lineage, inheritance, marriage or by contractual arrangements, and in some limited cases through gift or purchase (Rünger, 2006). However, women's access to land through purchase is of a recent development mainly facilitated by the commoditization of land (Akolgo-Azupogo, 2018). Customarily, women in the Northern, Upper East

and Upper West Regions are usually given land for farming by their husbands. Unmarried women may receive land from their fathers or families. Women who gain access to land in their own families and clans lose these rights when they marry and move to join their husbands. In some families, after the death of the husband, she may lose part of the land if she has no grown sons to inherit the land directly. However, with the onset of commoditization of land, women who are economically empowered could get access to land through purchase or lease (Akolgo-Azupogo, 2018).

Equally, as shown below in table 1, institutions have sought to promote the rights of women in owning and accessing land. Such campaigns mainly stemmed from the Beijing Declaration of 1995. Ghana as a signatory to the declaration demonstrated her support for women’s equality to men in the ownership of land in major policies and campaigns indicated in table 1 below.

**Table1: Some interventions on women’s rights in land**

<b>International</b>	<b>Local</b>
Beijing Declaration, 1995	Gender and Agricultural Development Strategy,1997
Pan African Conference, Zanzibar,1999	The Network for Women's Rights,1999
Maputo Protocol, 2003	National Gender and Children’s Policy, 2004
SADC Protocol on Gender and Development,2008	Medium-Term Agriculture Sector Investment Plan, 2014

## **Material and Methods**

The study adopted a case study approach where four communities within the Savannah, Northern and Upper West Regions were selected. These communities comprised Damongo in the Savannah Region, Bamaho in the Upper West Region, Sagnerigu, and Young-duni of the Northern Region. These communities were selected based on their peculiar nature of land governance based on customs and the possibility of these customs hindering women’s access to and ownership of land. The study used a temporal frame spanning from the Beijing Conference on women as a point of

reference. This conference which led to the Beijing Declaration and Action Platform, is considered the foundation of many interventions on women's rights. Literature on these interventions on women rights and land tenure systems were reviewed.

Primary data was collected using the Nominal Group Technique by conducting a total of twelve (12) gender-separated group discussions consisting of Seven to Nine participants in three (3) different regions of Northern Ghana. The final decisions within these groups were mainly obtained through a common majority. Also, purposely selected key experts composed of planners, opinion leaders, and customary land administrators were engaged. The research employed the Delphi technique in engaging with these experts.

The study engaged with both males and females at 40% and 60% respectively in the group discussions. Among those engaged, 69% were literates and the rest had never been to school. Also, 65% of them were unemployed or underemployed while 35 % were employed. Considering indigenes and non-indigenes, 60% of the natives were engaged in these discussions.

## **Results and Discussion**

### ***Women's Ownership of Land***

From the discussions, everyone, especially rural folks have a relationship with land – farming, collecting firewood, building etc. Their attachment to land is core to the extent that most of the rural people's livelihood is dependent on the availability of land. It was indicated that, customarily, women do not own lands in most parts of the Northern regions of Ghana. The custodians of the traditions of the communities were of the view that a female is not a permanent member of the family. At a point, she might get married to a man in a different location than her own community. Also, traditionally, it was held that, whatever belongs to a woman is for the husband, so for a woman to own land, then, that land invariably, belongs to the husband.

### ***Marriage and Women's Land Rights***

It was pointed out during the discussions that married women by tradition, are under the authority of their husbands. The decisions with respect to accessing land or owning it must be sanctioned by the husband in many customs in the three Northern Regions under this study. So, previously a married woman even with the financial capacity could not own land without the husband's permission. Also, in instances where a woman wanted to acquire land, she had to come to the chiefs or land owners through a man - husband, brother e.t.c to acquire land. This traditional role of men played in women's acquisition of land has drastically changed in many traditional jurisdictions of the study areas.

### ***Advocacy for Women's Land Rights and Evolution of Land Tenure Systems***

A variety of advocacy campaigns have been implemented mainly on gender rights in the Northern parts of Ghana. These campaigns advanced the cause of educating traditional leaders on the negative impacts of some traditions or cultures on ownership of property by women. From the discussions, respondents are aware that the constitution of Ghana and international laws frown on depriving women access to or ownership to land. The advocacy campaigns carried out mainly by NGOs have greatly impacted the tradition of women ownership to property. The evolution of culture is a common trend in almost all the spheres of the communities. As alluded to by the chiefs and elders of the study areas; currently, women with the capacity and in need of land can access or own it for any land use.

## **Discussion**

### ***Evolution of Women's Land Tenure Systems and Tenure Security***

The transformation of culture is inevitable and cuts across almost all the spheres of life. The evolution of customs of women's access to and ownership of land is not an exception. Some of the

changes are brought about due to land commodification – where land is regarded as a commodity and its acquisition and disposal is seen as a business.

The factors determining whether land can be sold or acquired is mainly economic and hence, gender does not play any strong role in this matter. It must equally be stated that some of the acquisition contracts entered into by women are still led by men. In some cases, land is secretly purchased by married women without the knowledge of their husbands. This poses a great challenge because it is a recipe for legations in the future.

### ***Advocacy and Land Commodification***

Advocacy campaigns are still ongoing in many parts of the world. Women are still discriminated against when it comes to land but this is at different levels depending on the traditional area.

However, significant impact has been made in the fight against customs depriving women from accessing or owning lands in Northern Ghana. Also, important to note is the purchase of large tracts of lands by companies for agricultural and non-agricultural uses. These purchases have served as an eye opener to many of the chiefs with regards to the fact that the sale of land could be a lucrative business.

### **Conclusion and Recommendations**

It can be concluded that there has been an improvement with regards to women's access to and ownership of land in the communities studied. The improvements have been influenced by economic factors and advocacy interventions on women's rights. However, it can equally be concluded that, as much as more have evolved with regards to land customs, there are still practices limiting the capacity of women to access or own land in the areas of this study. The Ministries of Lands and Natural Resources, Gender and Children, Local Government authorities and Non-Governmental bodies need to target particularly paramount chiefs in women's rights based advocacies in all



communities in the regions under this study. Also, the interests of all land users should be documented through the necessary procedures with the secretary of the chief or the Customary Land Secretariats as stipulated by the new Land Act, 2020. It is further recommended that land should be inclusively managed in all the areas under this study. All stakeholders including women as well as their interests in land should be considered in customary land management.

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