Assessing customary land rights and tenure security variations of smallholder farmers in northwest Ghana

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ABSTRACT

Inequalities generally exist in society regarding the distribution of resources including land. This paper assessed inequalities of customary land rights and tenure security among smallholder farmers in northwest Ghana using the social structure theory. This exploratory study adopted focus group discussions, interviews of key informants and key persons in key institutions in the study area. It also used visual manual interpretation of satellite images.

It found that male landowners possess the strongest land rights and highest tenure security. Male settlers were next in possessing strong land rights and high tenure security. While all women irrespective of whether they are from landowner or settler groups had the weakest land rights and tenure security. This deviates from the tenets of the social structure theory, which presupposes that women from the landowning group would have stronger rights than settlers (male or female). Fewer building development and vast uncultivated lands revealed by the satellite images, partly contradicts literature suggesting that physical developments cause land scarcity, which may lead to land rights inequalities. This research agrees with literature and concludes that population growth, urbanisation and particularly the anticipation of future land prospects primarily influences current land rights inequalities and tenure insecurity in the area. The findings from this research are useful for identifying this context-based land rights and tenure variations. The research also shows the nature and extent of the variations and therefore gives indications regarding how, who and which land rights need to be strengthened. Besides, this study shows that local communities can be assisted by community leaders and community-based organisations to re-sensitise themselves to protect particularly, the land rights of the vulnerable in society. The study also reveals an essential community potential i.e. their readiness to cooperate with efforts (whether local or external), towards narrowing land rights variations that further marginalises the already marginalised women and male settlers. The paper recommends further studies to identify specific ways to address land rights variations and ensure tenure security among different groups.

1. Introduction: indications of land rights variations

Variations or inequalities in land rights refer to differences in entitlements to land, which largely reflect the social structure of communities. Social structure is the distinctive, stable arrangement of institutions within a community and/or society whereby the human beings living in it interact and live together while belonging to certain commonly established hierarchical categorisations. The social structure theory for Tirole, therefore refers to community’s framework of sharing and interactions among its principal groups and institutions as well as the diverse attitudes and interests. This can however lead to some inequalities in opportunities like resource distribution between the groups in terms of land, its rights and tenure (Tirole, 1989). The variations may range from weak (i.e. incomplete and few) to strong (i.e. full compliments) in the multiple layers of land rights. That is, the bundle of rights based on the customary tenure and service arrangements in place (Chiaravalloti et al., 2017). Customary service arrangements are non-monetary ‘homages’ like gifts or labour, which non-member landholders like male settlers are required to seasonally render to male landowners to acknowledge the landowners’ ownership rights and renew such landholders’ rights on the land. It implies that inappropriately rendering such services can weaken one’s land rights. Meanwhile, weak land rights may deteriorate livelihoods especially regarding farming and food security (Anaafo, 2015). Specifically, land rights
include the right to access, hold, use, control or transfer land that reflect specific socio-cultural and geographic contexts within a land tenure system and may be based on the community’s social structure (Alston and Mueller, 2015). The recognition of these land rights with certainty, according to FAO (2002), also enhances land tenure security. The rights variations are further evident in uncertainties about use options, restrictions to less fertile and/or least preferred lands by privileged groups, rate at which rights may be changing, kinds of services to render, duration of rights and type of rights to hold. These rights also vary depending on people’s status or type of group according to Johnson (2007) as well as their security within a land tenure system as observed by Uwayezu and de Vries (2018). These rights must be robust to protect the rights of the landholders (Sietchiping et al., 2012). Some scholars indicate that weaker land rights holders are mostly women who suffer certain implications such as food insecurity and therefore need protection through regulation (Duncan and Brants, 2004; Nara et al., 2020; Sietchiping et al., 2012; United States Agency for International Development (USAID), 2016; Uwayezu and de Vries, 2018). The United Nations (UN) recognise that these land rights variations exist and thus seek to promote equitable access to land, its rights and tenure security. This is contained in the UN’s Sustainable Development Goals (SDGs) 1.4 which may influence food security captured in SDG 2.3. Payne and Durand-Lasserre (2012) indicate that all attempts to compute the number of people globally, who suffer from insecure and restricted land rights have achieved limited success. Further, according to Asiama et al. (2017a, 2017b), Lengoiboni et al. (2019), there is a dearth of land information in customary areas of vulnerable groups who possess unequal and often insecure secondary land rights making them depend on others for land. According to Abubakari et al. (2018) “there is neglect of registration of customary land rights in sub-Saharan Africa” which can make rights weak and less secure. Other examples of weak land rights holders are smallholder herders and migrants who farm for the upkeep of the household and may sell some of their farm produce to purchase what they lack (Cotula et al., 2004; Gollin, 2014; Toulimin, 2008). For all these groups, their weakening land rights in society are determined by factors (both human and natural) that they have little or no control over. Meanwhile Kamwi et al. (2018) posit that land use and land cover changes (LULCC) continuously occur with the passage of time that can affect land availability, rights and tenure.

Therefore, understanding the spatio-temporal LULCC patterns can be fundamental for achieving sustainable land management and tenure security for equitable land rights (Kamwi et al., 2018). The spatio-temporal changes observed over the period between 1983 and 2019 which show expanding built areas may invariably imply reduction of farmland or otherwise. This understanding of LULCC patterns can inform the nature and direction of public policy in terms of town planning, land distribution and consequent land rights and land tenure issues in a more equitable manner. Kamwi et al. (2018) found that spatio-temporal LULCC patterns are indeed useful in equitable land management in Zambezi region, Namibia.

Land rights equity and tenure security can also be impacted by socio-cultural factors like status, disability, age, gender, ethnicity and class within a land tenure system (Boudreaux and Sacks, 2009; Myers, 2013; Payne and Durand-Lasserre, 2012; Toulimin, 2008; Zevenbergen, 2002b). Therefore, there is the need to assess the nature of land rights variations in the region in order to help provide the type of action needed to address any negative consequences.

The results of this assessment are discussed in the framework of the social structure theory by Tirole (1989) as given by Tirole (1989). The social structure theory has been used to discuss several subjects including crime by Brown and Justice (2011) in economics; by Economo et al. (2016) and team formation (Farasat and Nikolaev, 2016). So far, few scholars have discussed the social structure theory on general land issues in the areas of large-scale farming by Goldschmidt (1978) urban land use by Form (1954) and on land tenure security by Ma (2013) but none specifically touches on land rights variations. This paper discusses the social status of smallholder farmers within the hierarchy of the social structure, based on which communities allocate land rights. This may contribute to building the applicability of the social structure theory beyond the spheres mentioned earlier. The empirical data of this research will be juxtaposed with literature based on which an informed opinion will be given and provide any new knowledge emanating from it to add to the existing literature.

The key questions being explored in this research are:

1) What is the variation or inequality in the bundle of land rights between landowners and settlers in the study area? 2) What is the nature of gender land rights variation within the social structure in the region? 3) How does customary land rights variation/inequality affect various categories of people in rural and urban areas of the study area?

This paper is organised into various sections where Section 1 discusses the indications, variations as well as the nature, causes and related controversies of customary land rights and tenure security. Section 2 is on methods and Section 3 presents results while Section 4 contains discussion. The final Section 5, is conclusion and recommendations.

1.1. Nature, causes and arguments of land rights variations

The nature and degree of land rights variation reflects in the bundle of land rights referred to earlier, which could be completely or partially restricted with fewer and weaker choices (Brasselle et al., 2002). Generally, there is unequal distribution of customary land rights in Africa based on the social structure such that one can have de facto possession but no de jure rights and vice versa. This makes the groups holding weaker land rights lose out (Cotula et al., 2004; Toulimin, 2008). Meanwhile, equitable land rights give some “assurance effect” for landholders to invest more thereby enhancing production and wellbeing (van Asperen and Zevenbergen, 2007; Brasselle et al., 2002; Christine et al., 2015; Corsi et al., 2017; Gollin, 2014; Nguyen, 2014; Rued, 2011; Van Gelder and Luciano, 2015; Zevenbergen, 2002a, 2002b; Zevenbergen et al., 2015).

Land rights variations, reflecting the bundle of rights held relate to the type, duration, use and even the size of land that one has which may also influence its tenure security (Alston and Mueller, 2015; Chiaravalloti et al., 2017; Payne and Durand-lasserre, 2012). On the security or otherwise of customary tenure, one group questions customary land rights security because of various negating reasons including lack of formal documentation (Barry and Danso, 2014; Chauveau et al., 2007; Cotula and Neves, 2007; Djokoto and Kyreretwe, 2010; Naab et al., 2013). A second group insists that customary land rights are secure based on the landholder’s perception (Akrofi and Whittal, 2011; Bugri, 2008; Kidido et al., 2017; Obeng-Odoom, 2012). This debate (reflecting various land rights contained in land tenure), demonstrates that while land rights under customary tenure seem secure they can be unpredictably variable for others if not addressed holistically (Toulimin, 2008). Governments no doubt, have a legitimate role in regulating variable and unequal land rights to minimise the effects on people (Barry and Danso, 2014; Toulimin, 2008). This paper therefore seeks to assess the nature of land rights variations within the social structure affecting subsistence farmers in the region. It is expected to help provide the type of action needed for effective solution. This can facilitate the productive use of the land including farming towards food availability and food security for the vulnerable and often marginalised farmers.

1.2. Customary land tenure system and evolution of land rights in Ghana

Customary land rights variation (and indeed land rights inequality from any locality) is detrimental to vulnerable groups in sub-Saharan Africa. These land rights inequalities have consequences on livelihoods, food security and wellbeing of people in many countries (Antwi-Agyei et al., 2015; Cotula and Mathieu, 2008). Most governments in Africa therefore, introduced some land reforms through formalisation,
regularisation, legalisation and registration of land rights in the past to halt the related consequences (Bassett, 2007; Chimhowu and Woodhouse, 2006). These past efforts by governments were supported by development partners which partially yielded minimal outcomes except Namibian Flexible (customary) land tenure system & Rwandan land reforms (Lawry et al., 2014; Maxwell and Wiebe, 1999). Rwanda is so far said to be the only sub-Saharan African country to develop a unique land consolidation approach aligned with local customary conditions, and implement it nationwide (Asiama et al., 2017a, 2017b). Again according to Asiama et al. (2017a, 2017b), Rwanda’s example is a locally developed land consolidation programme in a sub-Saharan African country according to its local conditions. Formalisation of land rights in sub-Saharan Africa generally failed because it is too simplistic and too expensive for the poor in its rural and peri urban areas (Akrofi and Whittal, 2011; Choplin and Dessie, 2017; German Federal Ministry of Food and Agriculture (BMLE), 2015; Sanga, 2009; Zevenbergen et al., 2013). According to Corula et al. (2004) and Plateau (1996), land rights have evolved from communality towards rising individualisation which eventually caused landholders to press for creation of duly formalised private property rights. Boudreaux and Sacks (2009) and others opine that this will compel the state to respond to such demand by streamlining tenure towards increased rights equity for all categories of landholders. Thus, the transformation of customary land rights in Ghana and the study area contains inevitable land rights variations where changes and differences naturally exist along the structure of society and in line with customary practice. These changes of customary land rights and tenure system have been part of local ways of allocating and using land since time immemorial (Pottier, 2005). The customary process had maintained legitimate land rights contrary to current happenings especially in sub-Saharan Africa where there are increasing claims and counter-claims due to widening variations (Bassett, 2007; Pottier, 2005). This poses threats to the poor, vulnerable and marginalised groups making weak land rights holders increasingly feeling insecure (Antwi-Agyei et al., 2015; Bassett, 2007).

1.3. Settlement antecedents in Upper West Region

Everyone may be a migrant/settler in one way or the other since history teaches that all groups of people may have moved at one point in time from one place to another until their current location. Where the migrating group arrived and dwelled for a lifetime without encountering any other group making claims of ownership/territorial control over that land, then the migrating group automatically became original occupiers and landowners (Bentsi and Ankoma, 2018) in da Rocha and Lodoh (1999) and in Olennu (1962). However, when the migrants met people already occupying and/or claiming territorial control over particular jurisdictions, the migrants: 1) fought to overpower and take control over the place, 2) were assimilated into the earlier occupants’ group and the two dwelled together or 3) settled as new-comers i.e. settlers. Generally, a definite number of years of dwelling in a place may automatically absorb the migrants as part of the group they met. However, in other cultures like Ghana, the status of “settler” is permanent. This is irrespective of how long a new-comer group may have lived in the new location. Once they met others already occupying and/or exercising control over those areas and such original occupants are not prepared to assimilate the new-comers, the new-comers remain forever.

Thus, in Ghana and the Upper West Region, once a “new-comer” or settler group met people already dwelling in a place, the “new-comer’s” status as a settler remains in perpetuity. This settler group is referred to as mobile farmers or labour migrants by Lentz (2001). In other words, once there is already a legitimate group of landowners on the land now being occupied by the settlers and this is accepted by both new-comers (i.e. settlers) and first-comers (landowners), that settler-landowner status will remain always. Because of this, those moving (i.e. the new-comers or settlers) can hardly assert themselves as first-comers (original landowners) but they have to become clients under the first-comers (landowners). The landowners thus, have more abundant land and stronger (almost absolute) land rights than settlers who usually hold secondary land rights transferred to them by the landowners (Biitir and Nara, 2016; Lentz, 2001). There are instances where in the distant past the settlers looked for landowners and entered into various land tenure arrangements with them (Djokoto and Kyeretwie, 2010). Landowners in the past would allocate vast unoccupied areas to settlers and as the years passed, the settlers populated and transformed those places to typically settler-occupied areas. This is the scenario in some communities in the study area where settlers dominate in numbers.

1.4. Social structure theory

The term social structure refers to the system of socio-economic stratification, which emphasises sub-cultural values of class, social institutions or other arrangements of relations between large social groups in human organisations. Social structure theory therefore explains the community’s framework of sharing and interactions among its principal groups and institutions as well as the diverse attitudes and interests, which can lead to some variations between the groups (Tirole, 1989). The social differentiations can reflect status, ethnicity, gender, age etc. These differentiations tend to make one group advantaged in terms of resource allocation against another (Economo et al., 2016).

In the analysis of social structure, Tirole’s (1989) theory indicates that the role of diverse attitudes and interests of social beings as groups is revealed. The social structure theory also explains that the social relationships reflect the distribution of power between and among groups. The resource distribution between the groups is institutionally structured, defined and regulated and thus influence land rights allocations too. Tirole’s theory further indicates that the relations explicitly exclude inter-personal ones but places premium on interactions across groups. Tirole (1989) then concludes on social structure as the features contributing to the make-up of societies. Clarifying that social structure is concerned with the principal forms of social organization, i.e. types of groups, associations and institutions. This theory supposes that the distribution of resources including land is along the existing organisation of society where some privileged categories of people receive more while the underprivileged receive less. The theory concedes that the dynamism of society notwithstanding, it cannot dissolve these variations of rights since they partly define every human community. The results from this research work reflect the distribution of land rights and tenure security based on these social dynamics contained in the theory across groups in the communities. The results were therefore assessed using the social structure theory, which also portrays differing social groups in terms of power and resource allocation including land. Analysing land rights of smallholder farmers in seemingly homogeneous communities using the social structure theory contributes to existing knowledge about community inequalities and their land rights allocations. The relevance of using this approach in this research is a call to avoid the temptation to over-generalize the use of the social structure theory to analyse all social phenomena. As this research has revealed, some deficiencies may exist in particular social structures contrary to the general understanding of applicability.

2. Methodology

This is an exploratory research because it was conducted on ‘a not clearly studied problem’, to unveil previously hidden facets of reality (Reiter, 2017). The purpose is to assess variations of land rights among different categories of people. It further aims to ascertain how this may affect them in terms of strengthening their land rights and securing their land tenure as well, and then suggest ways to minimise these variations. Focus group discussions (FGDs), key informant interviews and interviews with key persons in key institutions were conducted in addition to the manual visual interpretation of satellite images for triangulation purposes.
2.1. Study location

The map in Fig. 1, gives the location of the three study districts in the regional context and the region in the national context. The characteristics of the specific communities studied are contained in Table 1. Small-scale subsistence agriculture and labour migration are dominant here in the study area as well as inter- and intra-regional agricultural migration for subsistence farming purposes (Lentz, 2001). There are varied categories of land rights that prevail in the study area.

The types of land rights, interests or titles in the study area are mentioned briefly below. 1) allodial title: the highest interest in land, communally owned, 2) customary freehold interest: family land use rights held perpetually as members of the allodial title, 3) Common law freehold right: acquired through express grant from the allodial owner or customary freeholder, either by sale or gift or other arrangements usually held in perpetuity and 4) ‘Leasehold’ rights. The land rights of smallholder farmers are derived from one or the other of these higher interests depending on the parties and circumstances involved in the study communities.

There are six study communities as shown in Table 1, located within the map in Fig. 1. They cover a total land area of 3641.74 km$^2$. These were purposively selected because of the prevalence of smallholder settler farmers in these communities. A settler (see explanation in Appendix A) is a person who (in relative terms) comes into a community (where others: first-comers, already dwell) to live permanently and farm on land he/she does not own but holds secondary land rights to it. S/he mostly acquires the land through the customary system (farming arrangement) where the land is given free of charge for subsistence farming purposes. Thereafter, a token gift is customarily supposed to be given annually to the actual landowner (see explanation in Appendix A) after every harvest. Some of the communities (e.g. Fielmua, Piina number (2) and Kunfabiala) are entirely inhabited by settlers but the rest have both landowners and settlers living together. Another reason for the choice of these communities is the uniqueness of their land tenure system prevailing largely in the two upper regions (upper west and upper east) of northern Ghana. Here, families or clans hold the land as compared to many parts of Ghana where chiefs hold the land in trust for the landowning group. The areas visited included Sing and Kunfabiala communities in the Wa Municipality, approximately 234.74 km$^2$, and the most urbanised place in the study area. Located over 200 km further north, the other two rural places are Piina number (1) and Piina number (2) communities in Lambusie-Karni (1356.6 km$^2$) and, Fielmua and Nimoro communities in the Sissala West (2050.4 km$^2$). The rural districts border each other with travel distance of over 40 km from one end of one district to the other. The choice of rural and urban areas was to determine the extent to which their urbanity or rurality influences land rights variations and tenure (in)security of landholders.

### Table 1
Selected districts and communities.

<table>
<thead>
<tr>
<th>District</th>
<th>Settlement/community</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wa Municipal</td>
<td>Sing</td>
<td>Landowners</td>
</tr>
<tr>
<td></td>
<td>Kunfabilia</td>
<td>Settlers (under Sing landowners)</td>
</tr>
<tr>
<td>Lambusie-Karni</td>
<td>Piina number (1)</td>
<td>Landowners</td>
</tr>
<tr>
<td></td>
<td>Piina number (2)</td>
<td>Settlers (under Piina number (1) landowners)</td>
</tr>
<tr>
<td>Sissala West</td>
<td>Nimoro</td>
<td>Landowners</td>
</tr>
<tr>
<td></td>
<td>Fielmua</td>
<td>Settlers* and/or landowners*</td>
</tr>
</tbody>
</table>


### Table 2
Landowner FGD participation in Sing, Piina no. 1 & Nimoro.

<table>
<thead>
<tr>
<th>Landowner</th>
<th>Male focus groups</th>
<th>Number of male participants</th>
<th>Female focus groups</th>
<th>Number of female participants</th>
<th>Total number of Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elders</td>
<td>3</td>
<td>31</td>
<td>3</td>
<td>34</td>
<td>65</td>
</tr>
<tr>
<td>Disabled</td>
<td>3</td>
<td>29</td>
<td>3</td>
<td>26</td>
<td>65</td>
</tr>
<tr>
<td>Young adults and middle-aged</td>
<td>3</td>
<td>36</td>
<td>3</td>
<td>35</td>
<td>71</td>
</tr>
<tr>
<td>Total</td>
<td>9</td>
<td>96</td>
<td>9</td>
<td>94</td>
<td>201</td>
</tr>
</tbody>
</table>

Source: author’s construct, fieldwork, (2019).
Land rights inequalities exist across these groups. Elders in Ghana are categorised into elders, disabled and young adults and middle-aged (in multiple visits to communities for assessment of how different land rights affected processes and activities of farming throughout the cropping season. There were three landowner and three settler communities selected in all. Settlers in Ghana, are new-comers permanently resident in their current habitation while landowners are the indigenes and first to occupy land in the study area. Details of the numbers of focus group participants are shown in Tables 2 and 3. This categorisation was aimed at determining whether a seven months period from cropping to harvesting i.e. from June-December, 2018. The period was useful as it facilitated periodic and visual inspection, interpretation and narration was explored. Thereafter, patterns were described in relation to land rights variations. The FGDs identified the location of farmlands, houses as well as other past and present structures constructed including what has been replaced and how that impacted on land availability and rights variations. Settler key informants narrated how they lost farmlands and what tenure changes preceded or proceeded the developments.

### 2.2. Fieldwork

The fieldwork was conducted in Upper West Region of Ghana during a seven months period from cropping to harvesting i.e. from June-December, 2018. The period was useful as it facilitated periodic and multiple visits to communities for assessment of how different land rights affected processes and activities of farming throughout the cropping season. There were three landowner and three settler communities selected in all. Settlers in Ghana, are new-comers permanently resident in their current habitation while landowners are the indigenes and first to occupy land in the study area. Details of the numbers of focus group participants are shown in Tables 2 and 3. This categorisation was aimed at determining whether a seven months period from cropping to harvesting i.e. from June-December, 2018. The period was useful as it facilitated periodic and multiple visits to communities for assessment of how different land rights affected processes and activities of farming throughout the cropping season. There were three landowner and three settler communities selected in all. Settlers in Ghana, are new-comers permanently resident in their current habitation while landowners are the indigenes and first to occupy land in the study area. Details of the numbers of focus group participants are shown in Tables 2 and 3.

### 2.3. Interview respondents and FGD participants

The respondents are landowners and settlers (thus male and female), categorised into elders, disabled and young adults and middle-aged (in Tables 2 and 3). This categorisation was aimed at determining whether land rights inequalities exist across these groups. Elders in Ghana according to the 2010 Population and Housing Census report in Republic of Ghana (2012) are people aged 60 years or over, while young adults and middle-aged are between 18 and 59 years. It turned out during the data collection that land rights and tenure did not influence these sub-groups (i.e. whether elder, aged, disabled, able-bodied or young adult and middle-aged). Rather, the main groups of landowners, settlers, males or females influenced people’s land rights and tenure. Therefore, the results have been presented to reflect these findings from the fieldwork.

In each community, one head of landowners was interviewed as a key informant. The landowner is known locally as tendara among Waala ethnic group in Sing community, tengansob among Dagara ethnic group in Piina number (2) and Fielmua communities and tortina among Sissala ethnic group in Nimoro and Piina number (1) communities. Similarly, the heads of three settler communities were also interviewed as key informants. Also, two interviews of key persons in key institutions were conducted: 1) one in the only state land agency in the region - Lands Commission (LC) and 2) one out of the three government assisted local land management bodies in the region: Wa Central Customary Land Secretariat (WCCLS). The number of participants in each FGD averaged 10. This corresponds with the recommendation of Hancock et al. (2009) and Kothari et al. (2014) that the number of people in a focus group should be between eight and 12. A total number of thirty-six FGDs were conducted in the three districts. In each district, three landowner and three settler focus groups were interviewed with varying number of participants as shown in Tables 2 and 3. There were 18 settler FGDs with 201 participants and 18 landowner FGDs with 197 participants, giving a total of 398 participants during the fieldwork.

The focus group discussions responded to questions (see Appendix B) on types of land rights, variations in terms of status, gender and location. Other questions hinged on changes in farm sizes and construction of buildings (with the help of the satellite images provided during discussions) and their effects on farming and food availability and security. Key informants provided information on the nature of inequalities in customary land rights and the temporal changes of groups’ land rights and building developments that occurred since any major policy initiative in the area from 1983. They also provided information on norms and practices governing land rights variations and how people conform to them.

### 2.4. Spatial data and other data

Time series satellite images were extracted from Google Earth Pro, similar to the approach used by Arko-adjei et al. (2009). Then, manual visual inspection, interpretation and narration was explored. Thereafter, trends of changes in spatial structure, land tenure changes and land use patterns were described in relation to land rights variations. The FGDs identified the location of farmlands, houses as well as other past and current structures constructed including what has been replaced and how that impacted on land availability and rights variations. Settler key informants narrated how they lost farmlands and what tenure changes preceded or proceeded the developments.

Other data gathered included audio and video recordings of FGDs that were later transcribed as well as field notes, handwritten texts of interviews and observations. Yet others are photographs of farms, sites and participants and of visual inspection and manual interpretation sessions of satellite images.

### 2.5. Data analyses

Audio recordings were transcribed and the process of content analysis carried out (see Box 1) to identify and match emerging patterns, trends and themes of different categories of people.

Interpretation was done to identify and understand groups’ aspirations and fears regarding land rights and tenure security possibly

### Box 1
The process of carrying out the content analysis in this research.

1) The first step was, to thoroughly read and re-read through data to be more familiar with it.
2) In step two – there was identification from the written and transcribed data, key themes about (in)secure tenure, weak or strong land rights, food (in)security, reducing or increasing farm sizes, most affected people mentioned and vulnerable or marginalised groups identified during the FGDs.
3) In step three - colouring and underlining similar responses from the FGDs.
4) In step four - assigning colour codes to specific similar data in order to describe the content. For instance, green colour for desirably strong rights, secure tenure and food security; red colour for undesirably weak land rights, insecure tenure and food insecurity and then yellow colour for vulnerable and marginalised groups.
5) In step five - searching for and matching similar patterns or themes in the colour codes across the different FGDs.
6) In step six – the researcher reviewed the themes to ensure that those in the same category convey the same ideas or information.
7) In step seven – the researcher described and reported the messages/information emanating from the analysis of the FGDs.
influencing their livelihoods as well as food security concerns. Results are discussed within the framework of society made up of different groups with unequal powers and rights based on the social structure theory as introduced in Section 1.3.

3. Results

This section presents results on nature of variations in customary land tenure and rights in northwest Ghana. It analyses landowners’ and settlers’ rights, and absence or presence of age and disability land rights. Also, it presents land rights variations or/trends between males and females and, rural and urban areas based on status, gender and location. The results also draw links between land rights variations, farm size changes, trends in infrastructure development and farming activities for food production and food security.

3.1. General nature of customary land rights in the study area

Generally implicit in land access and holding in the study area are that, land rights are derived from the land tenure system and service arrangements. As contained in Table 4 adapted from Payne, land rights vary among and between groups. Since Table 4 is adapted from Payne, the pre-determined themes in column 2 i.e. ownership, occupy, inherit etc. are from Payne. The corresponding information is data (containing the bundle of land rights) from my fieldwork indicating who holds what and how many rights. Those holding sizeable lands have more rights and are relatively highly tenure secure than those holding less lands (details in 3.2). The data revealed that families and clans operate the land tenure system in northwest Ghana where their head (tendana, tengansob or tortina) is the custodian of land (rights) on behalf of the landholding group. The respondents said there is ‘no land sale’ especially for subsistence farming purposes. But that the land is given out ‘free’ to these farmers. In this case, they said that non-member landholders (particularly male settler farmers) are customarily expected to render customary tenure services but not cash payments in return. That is, either a token gift (in Fig. 2) or labour to landowners annually to renew their land rights. They added that this “service” is also to acknowledge the authority of the landowner over the non-member landholder (e.g. settler).

Typically, the respondents acknowledged that the customary land tenure arrangements in this area on farming rights are “cropping but not sharecropping arrangements.” The cropping land right is granted to persons to build, occupy and farm on the land. By this arrangement and irrespective of land size, such persons usually settlers are required by custom to perform a homage (no cash involved) by providing (kagyin or kaju) in Fig. 2, as a ‘token gift’ to landowners after every harvest. According to male landowners FGDs, the male settlers are not expected to share harvests ‘profitably’ with male landowners. This is unlike (abunu i.e. 1:1 or abusa i.e. 2:1 ratio) sharing/service arrangements pertaining in southern Ghana. Additionally, the FGDs indicated that settlers in northwest Ghana may provide labour services if landlords demand it or at settlers’ will. But they said women typically do not perform such tenure services except to maintain good relations with males primarily as wives, daughters etc. Moreover, both settlers and landowners in all the study communities said they cannot recall the last time these tenure services were observed. Adding that such tenure practices are difficult to legally enforce currently, thereby causing non-adherence and consequently widening land rights variations and tenure insecurity.

Land rights in the study area were said to differ based on one’s status and sex as shown in Table 4 and nothing else. Age and disability were found not to influence land rights and land tenure in the area. This
explains the seeming difference between the groups used in the FGDs and the groups shown in the tables containing results. In other words, all age and disability groups enjoy similar land rights as males or females and as landowners or settlers as contained in Table 4 and the rest of the results and discussions. The respondents indicated that these bases of land rights inequalities have implications for their investment intentions, land-based production and meeting their livelihood needs.

3.2. Land rights variations between landowners and settlers

It can be observed from Table 4 that all male settlers have land transfer rights just like male landowners, but participants of the FGDs indicated that male settlers’ transfer rights are limited to heirs and close relatives. Meanwhile, male landowners said they (landowners) generally possess unlimited rights to transfer including sale or gift and exclusive rights to use land as collateral. From Table 4 as presented from FGDs, male landowners possess almost all (i.e., 14) customary land rights to own, sell, give as gift, rent and use as collateral which settlers do not have. Consequently, male landowners have more complete bundle of land rights and tenure security than male settlers do. It is in this sense that some male settlers in some communities are asserting landowner status and claiming to possess all 14 customary rights on the lands they hold (though they are currently being contested in court). But male settlers in some of the other study communities possess about seven out of the 15 in the bundle of customary land rights in the tenure arrangements (again see Table 4). Also different from the rest of the study area, land use rights of male settlers in Piina were mentioned not to include tree rights whether to plant or fell, because possessing the right to plant or cut trees defines actual land ownership there. Settlers said they generally do not have actual ownership of farmland except building land (i.e., for durable not ‘farm’ housing) which they buy at commercial rents sometimes higher than urban rates and then cultivate at the backyard.

By custom according to the FGDs in all the communities, male landowners have exclusive rights to re-enter lands held by secondary rights holders at any time in consultation with them. However, the male landowners said that these customarily prescribed consultations are unfavourable to them and so they do not fully observe them. Even though land use rights are enjoyed by all categories of landholders, the accompanying tenure services differ depending on status i.e., as settlers or landowners or, as males or females. For instance, male landowners naturally render no services or payments for the lands they own, occupy and use. Customarily, male settlers should not make monetary payments but rather render labour or provide tenure services to their landowners in order to enjoy continuous land (use) rights. However, the FGDs reported widespread instances where some male settlers have in recent times been requested to pay money (and some do). The amounts range between GHS3000 and GHS5000 i.e., 600 Euros and about 1000 Euros per (100 × 100 feet or 30 square metres) plot for 99 years lease period. Otherwise, they said they risk losing the land and its rights. Both male landowners and male settlers said the growing inequalities in land rights is exacerbated by monetary rewards. For instance, (see Box 2):

In the midst of all the above land rights variations being introduced, male settlers said prior information to them is seldom provided on intended changes (monetisation) on their land tenure arrangements (except tenure services). The male settler FGDs said since the rights to trees are exclusively enjoyed by male landowners, adding that this practice increases land rights uncertainty, affects farm fertility and decision making towards food production to promote food supply to the household. Male settlers further said they have to consult their male landowners who often will not give permission on major decisions like tree planting or plantation development in these areas unless male settlers pay commercial rents for the land. As a result, some male landowners (not male settlers) have cashew plantations, larger farmlands and expressed freedom to engage in commercial farming. Male landowners further said they have (unexplored) rights to rent or enter into sharecropping arrangements with any other person they want. They said the power to take all land rights and tenure decisions rests with them who own, possess or enjoy some de facto land rights on the lands in their direct possession and all de jure land rights on their lands held by others. During FGDs, all six different groupings were asked to express their level of land rights and implicit tenure security on a line from low to high. This is represented in Fig. 3, but it was not geo-referenced. The trend of responses as presented in Fig. 3 shows that male landowners irrespective of age or disability possess more land rights and therefore are more

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**Box 2**

The sample ‘token gift’ in Fig. 2 weighs 10.4 kg even though weight and size were less important in the land tenure arrangement because physical inspection is conducted implicitly. On the average, the 10.4 kg of grains costs about 40GHS equivalent to 7.2 Euros. Meanwhile, accumulated farmland held by a settler is 2 ha equivalent to about 20 plots if demarcated where 1 plot is ¼ of an acre. Currently, given that 1 plot is sold at 3000GHS which is 600 Euros, then 2 ha is valued at 60,000GHS or 11,000 Euros for 99 years. It translates to 606GHS or 111 Euros per year to the landowner if he sells the land as opposed to giving it out to settlers for farming purposes. It is therefore clear from the above analysis why landowners prefer land sale to the ‘token gift’ from settlers farmers which the settlers have been accused to have even stopped. The landowners are gradually taking their lands in possession of settlers by using various but unacceptable customary means, settlers asserted. This explains the growing inequalities among secondary land rights holders (i.e., all women and male settlers) as compared to male landowners in the area.

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**Fig. 3.** Level of groups’ land rights and tenure security in the area.
Source: author’s construct, fieldwork (2019).

![Box 2](image-url)
tenure secure than all others do. This finding clearly corresponds with the type and number of land rights held by various groups in Table 4. Similarly, male settlers whether elders, disabled or young adults and middle-aged also indicated the same level of land rights enjoyed though less secure than that of male landowners. In the words of a male settler farmer from Piina speaking on behalf of the rest:

"Houses were few and we could easily count them. There were vast fallow lands surrounding houses and at the outskirts of the communities too. Land was therefore abundantly available for our use. But now, even though there are few additional buildings as compared to urban areas, landlords have either received or anticipate to receive monetary rewards from developers through land sale. As a result, they do not value the social (moral and humanitarian) considerations of land tenure and service arrangements on land rights between their forbears and our ancestors any longer. As smallholder settlers, we are already so deprived that we cannot regularly afford the landlord’s ‘token gift’ anymore, talk less of financial capacity to compete with developers over land. With threatening tenure insecurity faced with imminent eviction, peaceful co-existence and general development are gradually eluding us. And as settlers with no other alternative for survival or of dwelling, we fear the worst, which is resistance that can degenerate into violence that may worsen the current land tenure and food insecurity. Imagine that we have now been repeatedly prompted to buy land for building at scary rates \[i.e. 3000-5000GHS or 526-877Euros\] for a plot which is a 1/4 of an acre. This is similar to the urban areas but this used not to be the case however we are stuck and have to raise it or … [paused un-ended and bowed his head as if to hide or prevent tears from running down his cheeks]. In addition, landowners are insinuating that we shall soon pay cash for farmland too [another added]. The seeming unoccupied lands [in Fig. 7] have actually been sold out but developers will not even give us permission in the interim to farm on them.

Yet another settler farmer within the same FGD explained that social good and peaceful co-existence have been the basis of customary land relations with settlers in past land rights and tenure arrangements “until recently that trends are changing [referring to monetisation of land] and we have to change alongside”. The FGD respondents said tenure services in the form of farm labour during the farming season or the ‘token gift’ are supposed to be provided by male settler farmers to male landowners after every harvest for land and its rights. But in practice, their land rights currently seem much less than what is customarily prescribed due to the changes being introduced which again a male landowner from Nimoro indicated:

“We are trying to convert [unilaterally though] all customary land rights obtained in the past to leases [connotes registration automatically] so that we can exercise the needed monitoring and control over our lands in the hands of non-indigenes (i.e. settlers). This is one major way to secure our lands for our benefit now and in the future as development and land value appreciations are inevitable. But some settlers are resisting this and insisting that our ancestors gave them absolute ownership rights sometime in the past and that is why we are in court for them to prove it.”

It is imperative to note from the interviews that land rights of male landowners may not have changed from a temporal perspective even though farm sizes reduced by about half in nearly four decades. In spite of this, male landowners said they still have lands of up to four hectares as compared to their male settler counterparts who report to hold two hectares on the average. In addition to this, male settler farmlands are

![Fig. 4. Temporal changes of farm size in rural setting. Fieldwork, (2019).](image-url)

![Fig. 5. Temporal changes of farm size in urban setting. Fieldwork, (2019).](image-url)
witnessing more land reduction and at a faster rate (about five times
twice) as seen in Figs. 4 and 5 than male landowners with the increasing
customary land tenure transformations experienced between 1983 and 2019. The reason from literature is that male settler settlements are located at the entrance to all such communities (rural or urban) and therefore the places where the development of these settlements starts and is vibrant. Male settlers said their male landowners take advantage of this to sell, seize or litigate on these lands thereby preventing them (settlers) and sometimes the landowners themselves from using such lands when the matter goes to court and an injunction is placed on the land. Table 5.

Both male settlers and male landowners indicated that before the Upper West Region was created nearly four decades (36 years) ago in 1983, both groups held over 10 ha of farmland per household. However, they have lost so much land over the years to the extent that continuous cropping has become the common farming practice. The reasons for the

<table>
<thead>
<tr>
<th>Group/Year</th>
<th>(ha) 1983</th>
<th>(ha) 1993</th>
<th>(ha) 2003</th>
<th>(ha) 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural landowners</td>
<td>10</td>
<td>8</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Rural settler males</td>
<td>10</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Rural landowner females</td>
<td>2</td>
<td>1</td>
<td>0.5</td>
<td>0.2</td>
</tr>
<tr>
<td>Rural settler females</td>
<td>2</td>
<td>1</td>
<td>0.5</td>
<td>0.2</td>
</tr>
</tbody>
</table>

Table 5
Rural farm size changes.

land losses based on tenure changes they said, are influenced in part by general building developments due in part to population growth and urbanisation. The consequent sub-division of farmland among growing family sizes, resulted in reduced farm size per household for all smallholder farmers. But information from the satellite images in Fig. 6 do not show much physical development to support the expressed land short-ages and land rights variations. When asked to explain this situation, the FGD respondents across all communities indicated that the anticipation of urbanisation or some form of development with its attendant monetisation of land due to land value appreciation is influencing land rights changes and variations. This occurrence is widespread in all the districts and specific towns/settlements visited. They are particularly: Kunfabiala near Wa, Piina in the Lambusie-Karni district and Fielmua in the Sissala west district. There were visibly vigorous ongoing construction/developments in Fielmua and Piina towns. The settler farmers attributed these developments to themselves. The settlers then contrasted these supposedly progressive developments against the low level of development in Lambusie town, which is even the district capital. A settler farmer from Piina told landowners during the joint community workshop that the absence of settlers in Lambusie particularly, was the reason for its slow pace of development as compared to the solely settler inhabited Piina number 2 and Fielmua. These developments are what settlers and landowners both agree to be influencing the introduction of "new" customary tenure and service arrangements thereby weakening land rights and creating tenure insecurity. The transformations (e.g. monetised tenure arrangements, re-entry on settler land without prior consultation, reduced settler farmlands, uncertain tenure durations, unilaterally changing customary norms etc.) according to settlers, currently taking place are such that land rights of settlers are often more affected as compared to landowners. Settlers said they (settlers) are rejecting these new changes, which is leading to some land rights and tenure disputes, which they currently witness in their communities.

Groups most affected by land rights variations and customary tenure insecurity therefore, are male settlers on one hand, and both categories of women on the other as stated above. Note that “female landowners” are women who hold land as daughters, sisters, wives or widows coming from the landowning group. Similarly, female settlers are women who hold land as daughters, sisters, wives or widows coming from the settler group. Both categories of women in this (patrilineal) study area do not independently own land but may hold it through their male relatives.

Meanwhile as mentioned earlier, settlers generally constitute 80–100% of all the inhabitants of these two rural districts and about 60–70% of the population in some of the urban communities visited. Table 6.

<table>
<thead>
<tr>
<th>Group/Year</th>
<th>(ha) 1983</th>
<th>(ha) 1993</th>
<th>(ha) 2003</th>
<th>(ha) 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban landowners</td>
<td>10</td>
<td>8</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Urban settlers</td>
<td>10</td>
<td>4</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Urban landowner females</td>
<td>2</td>
<td>1</td>
<td>0.5</td>
<td>0.2</td>
</tr>
<tr>
<td>Urban settler females</td>
<td>2</td>
<td>1</td>
<td>0.5</td>
<td>0</td>
</tr>
</tbody>
</table>

 enable analysis of reducing farms versus building infrastructure development.

3.3. Gender variations of customary land rights

A key finding regarding gender is that male and female land rights were reported to be unequal in all the communities visited as can be observed in Figs. 4 and 5. Generally, all females from settler and landowner groups were mentioned as having weaker access to customary land and have fewer land rights as shown in Table 4 compared to all male settlers or male landowners. One would expect that females from landowning groups would have stronger land rights than those from non-landowning groups. However, the results show that settler males rather have stronger land rights than “landowner females” (i.e. females from landowning groups) ‘in their own homeland.’ All the focus groups (including female FGDs) were emphatic that women do not own customary land and have to depend on male relations for land rights and tenure security. This can have consequences as one “female landowner” revealed that:

“Because women have weaker land rights, a simple disagreement between husband and wife is enough for us woman to lose our rights on particular lands. Also, the men often take back or change the land in the possession of women at any time even without any provocation.”

The above notwithstanding, widows in the study area where the patrilineal system is practised, were said to have relatively stronger land rights on their late husband’s land than ‘independent’ daughters (who are not married), on their father’s lands. Even if a father/husband dies, the widow or adult sons (but not daughters) inherit the land and its rights in line with custom.

3.4. Variations between rural and urban land rights and tenure issues

The third category of variations observed in this study is between the same groups in rural and urban settlements. Figs. 4 and 5 show that the right to recognition, certainty and protection of the same land size held has changed over the years. This is noticeable in the urban communities and against male settlers than male landowners and in the rural communities. In the urban area in Fig. 5, there are virtually no recognised farmlands for all the settlers holding ‘free’ farming (secondary) land rights. This corresponds to the same trend of fewer land rights of male settlers and all women than male landowners in Table 4. Suffice to say that rural land rights and tenure security are also worsening as rent of one plot of land costs on average the same (4000GHS or 700Euros) as in the urban area. Changes in customary tenure and service arrangements of settlers in the urban area seem directly influenced by actual and anticipated expansion of physical urban infrastructure in Fig. 6a and b. On the contrary, with less LULCC - fewer building development in rural areas in Fig. 6c and d, land rights and tenure changes may not be attributed to direct effects of urbanisation or population growth. Consequently, FGD respondents said the anticipation of future land value prospects through information from urban areas in parts of Ghana on land related issues influences current land rights variations and the resulting tenure insecurity.

The key factors for land rights variations between rural and urban areas, the FGDs mentioned, have some influences of population growth and urbanisation but are also attributable to flexiblity (fluidity) of customary tenure system, speculation about future urbanisation prospects from land and non-adherence to customary norms. It is also attributed to the absence or weak implementation of tenure laws by statutory bodies including the courts. This influences the disregard for both customs and legislation regarding land, since statutory laws supersede customary norms. This remark during a settler FGD sums it all:

“Fair and speedy determination, and sanctioning of customary land rights violations would restore people’s land rights and secure tenure. This is
because the 1992 Constitution of Ghana recognises customary law practices making court judgments on land rights abuses final. Otherwise landowners’ unilateral variation of settler land rights over the years deprives us (settlers) of the right to hold land indeed all other rights therein. This causes us (settlers) to resist being removed from our dwelling places and denying the consequences. But we know that these possible conflicts on widening land rights variations will not promote our farming, livelihoods and food security.”

In all the study areas visited, male settlers claim they had more certain land rights and felt more tenure secure before 1983 when they held up to 10 ha of farmland than now that they have no farmlands left in the urban areas. Currently, male settlers said they are experiencing changing and weakening land rights and can hardly be guaranteed tenure security for their needs let alone transfer land rights to their heirs. A settler remarked that:

“Not all of us can go to school, not all who attend school do complete and not all who complete can create or get a job hence the need for land/farming rights will remain for a very long time. At least that is needed to provide for our basic food needs in the household and sell the surplus in the market to obtain some income (remember many of us do not have any other skills apart from farming). Farming remains important not only to farmers but also to those who are selling and building on the land. So, help us reach some understanding with our landlords for the good of all into the future.”

3.5. Age and land rights variations

Regarding other considerations in all the communities visited, the respondents stated that customary land rights do not consider age. They clarified that it does not therefore matter whether one is young adult and middle-aged or an elder. They added that what matters in determining customary land rights, farm sizes and tenure security is status (i.e. landowner or settler) and sex (i.e. male or female). The respondents stated that land related decision-making in the past did not sufficiently involve the young adults and middle-aged. However, the growing assertiveness from young adults and middle-aged was observed (during the data collection) among both landowners and settlers. Throughout, the young adults and middle-aged took part in all land related discussions held with the elders. Irrespective of age, all categories of males have equal rights to land as shown in Table 4. Similarly, all the females (i.e. whether young or old) have fewer rights than all males in the continuum of land rights as again shown in Table 4.

The range of customary land rights in the study area as shown in Fig. 7, was compiled as inspired by du Plessis et al. (2016) in the continuum of rights. These authors indicated that the continuum of land rights refers to the diversity of tenure arrangements in practice, encompassing both de facto and de jure rights. While the rights in this range may not fully enjoy the benefits of formal administrative or legal recognition, the social recognition is high, making de facto rights locally legitimate. They continued to say that a continuum of land rights exists when a land management system includes information that caters for the whole spectrum of rights including customary. From the extreme left of Fig. 7, respondents mentioned that landowners also experience land rights and tenure security with other landholders like settlers and women. In addition (towards the extreme right of Fig. 7), landowners solely experience certainty of duration, unlimited decision-making on their land and enjoy tree-rights.

The research respondents indicated that land rights to use, develop, make decision, transfer, be sure of duration, enforce, own etc. held by male landowners, have higher tenure security than those held by male settlers and women in general as shown in Fig. 7. One male landowner from Piina said that:

“the strength of land rights or tenure security depends on who (landowner or settler and male or female) holds the land but not the name of the land right itself. For this reason, he continued that a use right for a male landowner is different i.e. stronger than that for male settler or females. For instance, he added “all women and male settlers also possess use, transfer, development and freehold rights but with limited certainty” (i.e. lowest customary tenure security).” (This is also contained in Fig. 7).

“On the contrary,” another added that “we (male landowners) have higher land rights certainty and have the freedom to decide on whatever to do with it [within the bundle of rights] than others (like male settlers and females).”

Also, the respondents said that land ownership is exclusive to male landowners as contained in Fig. 7. In some communities in the study area (particularly Piina), being a landowner is equal to possessing tree rights. A male landowner from Piina therefore boasted that:

“if you do not have land then on what or with whose authority can you plant a tree except the landowners’ authority? We know that this particular land right which controls planting and felling of trees can have soil fertility, increased food production and food security implications too. That is why we entreat all non-landowners (especially settlers) to seek our consent before planting trees otherwise it is a sign of disobedience to us landowners and for which reason we will sanction them. The sanctions can include outright ejection from the land”

A male settler from Kunfabiala mentioned that:

“Land rights are insecure for we secondary rights holders because for us settlers our rights enforcement is subject to male landowners’ involvement.”

A “landowner female” from Sing said that
“we women suffer more than men because we entirely must rely on our male relatives otherwise we cannot access land, talk less of strengthening our rights and securing land tenure in general. Meanwhile, any male can directly approach male landowners without any other intermediary to access land. The tenure duration of females (daughters and wives) of the landowning group is also quite uncertain and dependent on the soundness of our relationship with the males. Thus (most, not all) women’s land can be taken away at any time without any customary limitation especially in the rural areas. For us females, we can better enjoy our land rights by virtue of our marriage into or bearing children for the landowning family member.”

Furthermore, another ‘landowner female’ from another focus group discussion added a caveat to women’s land rights in a patriarchal system:

“our land rights are stronger and our land tenure more secure after the death of our husbands if we have sons for them before their death. But our land rights are weaker if we have only daughters and further weakened with no children or when our daughters grow up and marry. Women’s land rights and tenure security may therefore weaken at widowhood and can cease to exist at divorce. However, women (widows) who remain unmarried in the late husband’s house, customarily have full use (not ownership) rights. Therefore, any family member (male or female) must seek her permission to use any part of it, even though we may rarely turn down such requests. But this is unlike the urban areas in Ghana, where the situation is only a little different in the sense that the legal regime on land rights is gender neutral regarding formal leases but not on customary practices. This seems to give women the liberty to purchase land for building and agricultural investment purposes. Meanwhile, women in need of land in either urban or rural areas still have to be led by a man otherwise the male landowners will be apprehensive, and we may not succeed in accessing the land.”

3.6. Variations of customary land rights based on disability

Implicit in the discussion with the focus groups is the fact that there was no variation/inequality between abled-bodied and disabled people on land rights and tenure security. Except to say that people without the ability to farm become automatic dependents on their next of kin who absorb their farmland as well. However, they said if these disabled persons beget heirs in the future, their dependents automatically inherit their father’s land when they grow up without any customary inhibition. Therefore, land rights variations affect the disabled people on the basis of their landowner/settler status or gender but not their disability.

According to the settler elders for instance, one of remarked that:

“Land rights are similar irrespective of disability. It is such that both abled-bodied and disabled male landowners’ rights differ from that of male settlers which is also different from all females.”

4. Discussion

This discussion dwells on the nature of land rights variations based on status (landowners and settlers), sex (males and females) and location (rural and urban areas). These variations are discussed using the social structure theory, defined as the patterned relationships between people from different components of society such as class, status (ethnic origin, sex), roles (landowners), groups (young adults and middle-aged, disabled, aged), and institutions (family) that persist over time. As mentioned in 1.3, Tirole (1989) establishes that there is in-built inequality in the hierarchy of social structure which makes some groups receive less resources including land, its rights and tenure security than others. The social structure determines what and how much resources who gets including the associated rights. The disadvantaged from particular groups are subjected to cultural biases within the social structure with limited (land) resource rights regardless of their individual qualities as reflected in the discussion below. Exceptions to the theory have been discussed as well regarding age, disability and land rights.

4.1. Variations of landowner and settler land rights

The results in Figs. 4 and 5 show that from over 10 ha of farming area for male settlers in 1983, their average farm size today is five times smaller, that is approximately two hectares. Landholding of male landowners has similarly reduced but by about half i.e. from over 10 ha in 1983 to four hectares in 2018. Meanwhile, the general population growth trend in Ghana indicates that the country’s population rose by three times from 12.3 million in 1984 to an estimated 30 million in 2019 (Republic of Ghana, 2012). Further reports from (GSS, 2012; Republic of Ghana, 2014) reveal that Ghana’s rural population and rate of urbanisation is slower with the study region (Upper west) being the least urbanised. From the above information, it is evident that the reduction of male landowners’ landholding seems to correspond to the trend of population increase (i.e. three times) while that of settlers does not (i.e. five times). This suggests that other factors may be influencing variations of farm sizes, land rights and tenure security in the area besides population and urbanisation.

Similar to the work of Toulmin (2008) and Toulmin et al. (2006), there are inequalities of land rights held by different categories of people largely based on the social structure in customary settings including the study area. These land rights variations have tenure security and related implications for livelihoods especially food security of the predominant smallholder farmers. These variations were identified by FAO (2002), where access to land is often related to social identity. In this study, customary land rights of various groups are based on ethnic identity or status as indigenes (landowners), non-indigenes (settlers) or sex (male or female). For instance, the most common land right available to nearly everyone in the community is “use” right but while male landowners have unrestricted use, male settlers are limited to growing food crops without access to “tree rights” (whether to plant or cut). Further to that, women are reported to be limited to growing mostly vegetables and groundnuts. This study found that similar to the findings of Nara et al. (2020), the current land rights inequalities and consequent tenure insecurity have wide farming and food security implications on male settlers and all females compared to male landowners in northwest Ghana. This is also in line with the work of Bugri (2008), who found that while male landowners said non-tenurial challenges of insufficient farming inputs account for low production and food insecurity, non-member landholders (e.g. settlers) attribute their food insecurity largely to weak customary land rights and tenure insecurity.

Population increase is said to have directly or indirectly affected existing rights of people already in occupation of land. This is irrespective of whether that land occupation is permanent or temporal (e.g. nomadic) as has been observed in other studies (FAO, 2002). Literature generally abounds that land rights are transforming i.e. weakening according to Cotula and Mathieu, (2008) and Toulmin (2008) and this research shows that consequently, farm sizes are also transforming (reducing). These therefore weaken land rights and cause tenure insecurity with implications for smallholder farming. If such trends continue, household food security can worsen while disagreements between male landowners and male settlers may increase and disrupt peaceful co-existence and development in general.

The new realities following land rights transformations as expressed by Knight (2010) and reduction of farm sizes are increasing commercialization of rural lands creating uneasiness among settlers and raising community tensions. Male settlers have expressed the possibility of degeneration in social order and rise in social vices of crime and prostitution among young adults and middle-aged in the study area. Based on the above and in agreement with the findings of Bititr and Nara (2016), there is suspicion and mistrust between some male landowners.
and male settlers. For this reason, one settler farmer from Kunafabiala remarked for instance that, “there is nothing to live for with worsening land rights variations, tenure challenges and food insecurity.” Settlers further said they sometimes have to disregard customary rules in order to survive otherwise male landowners would have evicted them long ago. Male settlers added that they do not care about contravening formal land laws under current circumstances because the courts which remain final arbiters in all disagreements including land issues, are slow to settle their land rights challenges. This position agrees with the findings of Gyamera (2018), that there is delayed land justice delivery in the courts in Ghana.

On one hand, the social structure theory is relevant for analysing this topic because the tenets of the theory are similar with the manner of land rights allocation in the study area. For instance, privileged male landowners (who are high on the social ladder/structure), have absolute land rights superior over those of underprivileged male settlers and all females. On the other hand, contrary to the theory, some groups like young adults and middle-aged (not on top of the social ladder/structure), have absolute land rights superior over those of underprivileged male settlers and all females. The reason is that when daughters in the patrilineal system marry, they go under the authority of their husbands in all matters including land. As a result, daughters after marriage will not be able to preserve the customary ideals of land rights and land tenure of a patriarchal system as compared to sons. The dictates of the patriarchal system therefore underpin weakening land rights of women, which women themselves uphold willy-nilly.

4.2. Gender land rights differences

Ubink’s (2018) case studies in northern Namibia and Ghana demonstrate that when programming ignores issues of power and empowerment to resources like land, it will not have the hoped-for positive impact on vulnerable groups. Women generally, have been found in this research to possess weaker rights to land, regardless of whether they come from settler or landowner groups. The twist is that, landowning females (higher on the social ladder/structure) in the study area do not have any limitations in land rights and the disabled were found to possess similar equal rights as their able-bodied male landowners, male settlers or female counterparts. Other findings from the operationalisation of the social structure theory in the study area are discussed next.

4.3. Rural and urban land rights variations

The spatial changes observed over the period between 1983 and 2019, show expanding built areas. These changes invariably influence reduction of farmlands as corroborated by the FGDs. This understanding of LUCC patterns can inform the nature and direction of policy in terms of town planning, land distribution and consequent land rights and land tenure issues in a more equitable manner. It therefore agrees with the position of Kamwi et al. (2018) about the usefulness of spatio-temporal LUCC patterns in equitable land management in Zambezi region, Namibia. There are reported weak land rights, reduced farmlands and customary tenure insecurity in both rural and urban areas among various groups. However, in both rural and urban areas, male landowners’ rights and farm sizes are similar and stronger than male settlers and all females. This is despite the minimal physical expansion of settlements in the rural communities as few physical changes could be observed in terms of new buildings. Immigration and urbanisation directly contribute to land rights and tenure changes in the urban areas but they also played an indirect role in the rural area in line with findings of Chauveau et al. (2007), Dembitzer (2014), and Jacob et al. (2006). Also, general economic and commercial transformations over time in the work of Naab et al. (2013) influenced and quickened already existing internal mechanisms of land rights and land tenure changes in the rural communities studied. Lands in the urban settler settlements have been demarcated and sold out to private developers pressured by urbanisation as contained in literature. The nature of the customary tenure system in place and the anticipation of rural lands assuming higher values in the future also influences customary land rights variations and tenure insecurity in the rural parts of the study area. It therefore implies that a combination of external factors according to Dembitzer (2014) and Simbizi (2016) and internal factors as observed by Cotula and Mathieu (2008) and Ghebru and Lambrecht (2017) account for changes in customary land rights and tenure insecurity. The factors are urbanisation according to Cotula and Neves (2007), population growth emanating from immigration according to Dembitzer...
ments and insecurity for more than five years between some groups in the study area. The unannounced and often unilateral changes imposed on land rights of all women and male settlers in both rural and urban areas influence land rights and tenure security. The case of varying customary tenure with little or no consequences, coupled with weak legal enforcement of land rights especially in rural areas, also cause increasing land rights variations and tenure insecurity. This affects all women and male settlers much more than male landowners as discussed above.

Additionally, there is potential for land renting or/and sharecropping to mitigate tenancy challenges as observed by Platteau (1996) in both rural and urban areas. This is both for land rights equality and to reverse the impact of farm size reduction. Some male landowners said they are willing to try land renting and sharecropping if settlers are also willing to participate. Thus, the isolated idea of land renting, though not the absolute solution to land rights and tenure security challenges in the area, is one way of ensuring land access, rights and tenure security.

Other threats to fair/equal land rights and tenure security are that there are no definite policies or plans to engage in committed and appropriate land documentation of customary land rights (Abubakari et al., 2018; Gollin, 2014). This may maintain or increase land rights variations and threaten tenure security of vulnerable groups like smallholder male settler farmers and all women. In both rural and urban areas, the customary tenure and service arrangements in their current form cannot provide the needed land rights and tenure security as contained by Jacob et al. (2006). It is especially true for succeeding generations since they can be manipulated by some individuals according to Toulin et al. (2006). This can cause further land rights inequalities and tenure insecurity in the future. Especially when the current partakers of past agreements pass on and their heirs take over without any verifiable (documentary) evidence on their land transfers to refer to. Agreeably, the current oral narrations on land transfer arrangements and agreements by one group can be disputed in future.

Low administrative capacity according to Abubakari et al. (2018) and absent legal backing of the Customary Land Secretariats, also seem to aggravate land rights variations and tenure insecurity among vulnerable groups as contained by Biitir and Nara (2016), Biitir et al. (2017), and Nara et al. (2014). Abubakari et al. (2018) and Lengoiboni et al. (2019) further stressed that there is a mismatch between customary law and statutory law in Africa, which also affects state intervention and facilitation to protect and strengthen land rights and secure tenure. These inconsistencies between customary and statutory land rights, can undermine fundamental land rights recognition for tenure security (Abubakari et al., 2018; Lengoiboni et al., 2019). All these insights put the state in a central position to coordinate activities, institutions, resources and practices to make local people re-negotiate, recognise and record the varied land rights in the study area in particular and other affected areas in the country in general. When governments do this, then there can be less challenging land rights variations and increased land tenure security that promotes all forms of investment and associated benefits for local and national development.

It was evident that less adherence to and poor enforcement of land laws in Ghana’s settings (with numerous cases) is also a contributory factor to the growing disregard for people’s land rights especially under customary arrangements. Gyamera (2018) stressed that ‘land cases pending in Ghana’s courts constitute about 59% of all court cases while the settlement rate is only 10% over all these delays from the courts have for instance, contributed to lingering tenure disagreements and insecurity for more than five years between some groups in the study area. Both landowners and settlers in the disagreement cannot completely utilise their rights on the disputed land as long as the case remains undetermined by the court, especially if the court places an injunction on it. In this way, land rights variations will deepen against the most vulnerable - women. It was evident that unlike sex- and status-based land rights variations in the study area, disability- and age-based land rights variations were virtually absent and not permitted by custom in northwest Ghana.

The results generally fit into the framework of the social structure theory with the exception of the few contradictions raised earlier, on young adults and middle-aged and disability neutrality on land rights in northwestern Ghana. In addition, is the inconsistent land rights of women from landowner groups getting less than expected, in spite of their ‘privileged position in the society as indigenes.’

The tenets of the social structure theory cannot fully assure different groups of their land rights based on the above analysis. Useful options to minimise land rights variations and secure tenure of all landholders needs to be developed in further related studies.

5. Conclusion and recommendations

This study aimed to assess the nature of land rights variations using the social structure theory among smallholder farmers in customary areas of northwest Ghana. The exploratory research method was used to address these questions: 1) What is the landowner-settler inequality in the bundle of land rights? 2) What is the nature of gender land rights variation within the social structure? 3) How does customary land rights variation/inequality affect various categories of people in rural and urban areas?

Results show that customary land rights and land tenure are unequal among different categories of smallholder farmers in the area. Also, speculations on future land value appreciation, manipulation of undocumented male dominated customary land laws and practices, and absence of legal backing or unclear role of Customary Lands Secretariats including poor coordination with Lands Commission seem to influence land rights variations and tenure insecurity besides urbanisation and population growth. The rest are inadequacy of relevant laws, poor implementation of the few available laws and inability of the courts to speedily and effectively adjudicate on land rights and tenure related disputes. Currently, the settler or feminine status tends to hinder land access, rights and tenure security. And finally, access to financial power has become an important influence in accessing land and benefiting from its related rights. Moreover, women still face cultural obstacles under circumstances beyond their control (as mentioned earlier in literature) like widowhood, divorce, childlessness and bearing only female children. Oral tradition on customs, norms and practices have currently been disputed by local people themselves for which reason they suggest re-sensitisation or self-reminders together with seeking legal and other alternative solutions to their land rights challenges.

This study concludes that over the past, governments may not have properly managed customary norms governing land as contained in literature and revealed by respondents. Even though the formal legal system has finality in land matters, it is constrained by some ambiguities to be speedy and effective. Besides, without adequate financial power, the court option does not give poor people the confidence to legally contest and secure their land rights.

This study was conducted in one region so the results largely represent the study area yet, other parts of Ghana and beyond can find it useful. However, further studies will be necessary to guide local people re-negotiate their land tenure, narrow land rights variations/inequalities and ascertain which aspects of this study will be easily applicable in other areas. Some important questions raised by this research for future research include: what are the implications of land rights and tenure security inequalities, how can these be reduced to protect others’ rights.
<table>
<thead>
<tr>
<th>Research Questions</th>
<th>Data required</th>
<th>Data sources</th>
<th>Interview Questions</th>
<th>Checklist</th>
<th>Question type</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What customary tenure and service arrangements exist for subsistence settler farmers in the region?</strong></td>
<td>Types of customary tenure rights Subsistence settler farmers &amp; indigenes: elderly, Youth &amp; Disabled males, females</td>
<td>1) What are the d/f tenure types in this community?</td>
<td>1a) What are the tenure types for Men, Women, Youth or Disabled settlers?</td>
<td>1a) Payne’s table with scale;</td>
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<td>2) What are the different tenure services offered by indigenes or settler farmers to secure tenure?</td>
<td>1b) What are the tenure types for men, women, youth or disabled indigenes?</td>
<td>1b) Open</td>
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<td></td>
<td></td>
<td>1c) What other rights subsist on this land?</td>
<td>1c) continuum of land rights</td>
<td>1c) Open</td>
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<td></td>
<td>Types of customary services</td>
<td>3) How do you perceive the security of your tenure?</td>
<td>2a) What are the customary service arrangements for Men, Women, Youth &amp; Disabled indigenes?</td>
<td>2a) Payne’s table; Open</td>
<td>2a) Open</td>
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<td></td>
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<td></td>
<td>2b) What are the customary service arrangements for Men, Women, Youth &amp; Disabled indigenes?</td>
<td>2b) Open</td>
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<td>Perceptions of tenure security</td>
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<td>3a) How long have you possessed this land?</td>
<td>3a) Open</td>
<td>3a) Open</td>
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<td>3b) How many more years are you supposed to hold it?</td>
<td>3b) Open</td>
<td>3b) Open</td>
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<td></td>
<td>3c) Do you have reason(s) to feel tenure secured?</td>
<td>3c) Open</td>
<td>3c) Open</td>
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<tr>
<td><strong>What are the socio-cultural and spatio-temporal change trends and challenges of customary tenure and service arrangements of subsistence indigene and settler farmers?</strong></td>
<td>Changing tenure rules Subsistence settler farmers &amp; indigenes: elderly, Youth &amp; Disabled males, females</td>
<td>1a) Is land tenure (rules) changing in this community?</td>
<td>4a) What are the socio-cultural tenure changes over the years for d/f groups?</td>
<td>4a) Payne’s table with time scale</td>
<td>4a) Payne’s table with time scale</td>
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<td></td>
<td>1b) Why have tenure rules changed over the years?</td>
<td>4b) Why are tenure arrangements changing?</td>
<td>4b) open</td>
<td>4b) open</td>
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<td>1c) How is land tenure of different people changing?</td>
<td>4c) Who is gaining &amp; who is losing from these changes?</td>
<td>4c) open</td>
<td>4c) open</td>
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<td>4d) In what ways are they gaining or losing?</td>
<td>4d) open</td>
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<td>5a) What are the physical farm size changes over the years for d/f groups?</td>
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<td>5b) Are there any other changes?</td>
<td>5b) open</td>
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<td></td>
<td>5c) Why are people’s physical farm sizes changing?</td>
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<td>5d) What is the nature of farm size change?</td>
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<td>5e) The change has influenced food production</td>
<td>5e) Likert scale</td>
<td>5e) Likert scale</td>
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<td></td>
<td>5f) If yes, how &amp; if no, why?</td>
<td>5f) open</td>
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<td>What are the d/f tenure challenges due to (list) these changes for d/f groups?</td>
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<td>7a) What are the implications of changing tenure rules on food security?</td>
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<td>7b) What is your level of food security?</td>
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<td>7c) What is the number of months of food security over the years?</td>
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<td>7d) What are the indicators (list) of food insecurity in this community?</td>
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<td>8a) What is your level of food production now &amp; before?</td>
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<td>8b) What tenure challenges do you encounter now than before?</td>
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<td>8c) If so, why?</td>
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<td>9a) What are the major causes of the changes in your food production patterns?</td>
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<td>9b) What crops do you cultivate more now?</td>
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<td>9c) Why the change in the pattern?</td>
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</table>

**Tabel B1**

Objective 1: To describe the customary tenure and service arrangements; and challenges of subsistence settler farmers as compared to indigenes in the region.
Acknowledgements

Financial support from Nuffic (now OKP) and the Dutch government is hereby acknowledged, but this has not influenced the results in any way (fund (OFI) number is 93003835). The permission and participation of all communities is very much appreciated. Also, the participation of institutions like the Lands Commission (LC) and the Wa Central Customary Land Secretariat (WCCLS) in the Upper West Region is recognized and appreciated. Finally and equally important is MERIDIA of this research. In other words, anyone can hold and use land but not all landowners are landowners.

Landholder refers to anyone in possession of land and the attached land rights whether in ownership or not, as long as one derives direct benefits from it especially through dwelling and farming in the context of this research. In other words, anyone can hold and use land but not all landowners are landholders.

Landowner in the patrilineal customary system generally refers exclusively to males who owns and exercises exclusive land rights over other persons (non-members of the landowning group) who may actually be holding (i.e. in de facto possession of) the land.

Settler is any person (non-member of the landowning group) who arrives in any location more recently than others (landowners). Thus, the settlers came to meet people (referred to as landowners) already dwelling in that place. Settlers usually engage in smallholder farming on lands they do not own yet they largely dwell permanently in the new place.

Landowner women in a patrilineal system are female landholders from the landowning group. In other words, these are wives, widows, sisters and daughters of landowners. These women largely hold and use the land as if they own it except that they cannot do anything to the land without the express permission of their male relatives (i.e. husbands, brothers or fathers/uncles). Particularly, they lack the rights to transfer or enter into any tenure arrangements with outsiders.

Formal/legal recognition is government’s or state’s acceptance of a customary practice by which such a practice can be protected by the national laws in addition to or setting aside customary laws.

Farming arrangement is a customary agreement in northern Ghana in which the land is given out ‘free’ to other people (non-members of the landowning group) to use largely for farming. In return, a small portion of the yield i.e. “token gift” (estimated at a worth of seven euros or 40GHS), annually after harvest. This gift is given out by the landholder/settler (i.e. non-landowner or non-member) farmer to the landowner as a way of affirming their mutual settler-landowner relationship.

Token gift is a customary gift that a settler landholder (other than landowner) gives to the actual landowner after every harvest on annual basis. It customarily involves an “unspecified” quantity of farm produce but with an estimated monetary value during fieldwork at seven euros or 40GHS.

Appendix B. Field guide for FGDs

| Table B1. |
| - | - |

References
