

**WOMEN'S LAND RIGHTS AND ACCESS TO CREDIT IN A
PREDOMINANTLY PATRILINEAL SYSTEM OF
INHERITANCE: CASE STUDY OF THE FRAFRA
TRADITIONAL AREA, UPPER EAST REGION**

by

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of**

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DECLARATION

I hereby declare that this submission is my own work towards the MPhil and that, to the best of my knowledge, it contains no material previously published by another person nor materials which has been accepted for the award of any other degree of the University, except where due acknowledgement has been made in the text.

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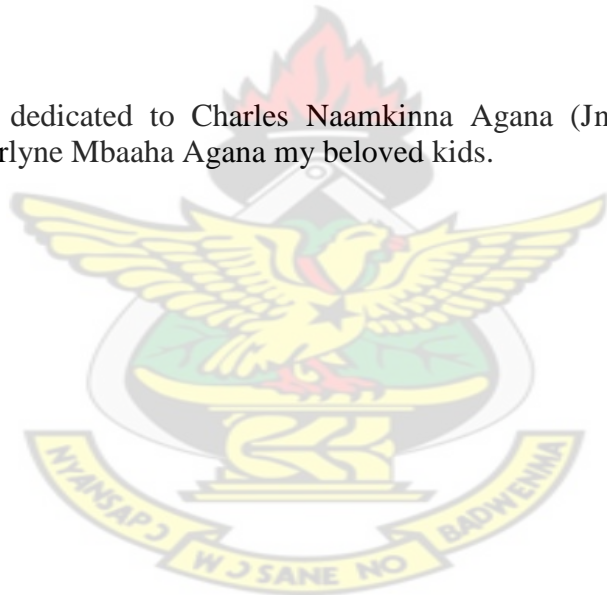
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DEDICATION

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This work is dedicated to Charles Naamkinna Agana (Jnr), Clarence Atareyine Agana and Carlyne Mbaaha Agana my beloved kids.



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I wish to first and foremost acknowledge the Almighty God who in His boundless mercy and love has brought me this far in life. To Him be all the glory and honour.

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ABSTRACT

There is a continuous debate about the need for gender balance in land tenure by focusing more attention on the land rights of women in Africa due to the important contributions they make to agriculture production, food security and the role they play in the food chain beginning from production to consumption. However, there exist significant differences regarding women's and men's access to and control over land in the Upper East Region and Northern Ghana as whole due to men's dominance in decision-making processes, leadership positions within the communities and the advantages accorded to them by local customs and traditions.

This study explored the rights of women to land and how this has impacted on their access to credit facilities. Using quantitative and qualitative data obtained through interviews with guided questionnaires from the Frafra Traditional Area, a predominantly patrilineal inheritance society in Ghana, the study examined the nature of the land relations within the context of the customs of the Frafra, highlighting any disparities between men and women's rights regarding access, control and ownership of land. It further examined the factors that limit women's rights to land and the extent to which this influences access to credit facilities from the financial institutions.

The results showed that the nature of the customary land relations between men and women does not preclude women from access to agricultural land. However, these land relations lack the security associated with right of ownership and control. It was clear that variations exist between men and women in the areas of ownership, use and control regarding the three identified categories of land. These are lands within the immediate compounds known as "samane", those created out from the bush lands referred to as "vartor" and lastly the vast range or pasture lands also known as "Buor". Whilst men have unfettered access to all these three

categories of land, women on the other hand except widows, do not have access to the “samane” lands. It also shows that there exist variations with regards to access and use of land among the various categories of women (married, unmarried, divorced and widowed) in both the natal and marital homes. It was revealed that married women and widows tend to have greater access and some level of control over their husbands’ lands than the case of sisters/daughters in the natal home. The study also identified some factors that tend to hinder women’s access, ownership, use and control of land and these include customary beliefs on ownership of land, customary rules on inheritance, the taboo forbidding women from performing sacrifices to ancestors, urbanisation, among others. The results further revealed that even though customary tenure does not support and guarantee women’s right to own and control land, the evidence gathered from this study does not support the wider perception that tenure insecurity is negatively impacting on the ability of women raising credit from the financial institutions.

In the light of the findings of the study, a conclusion was made that even though customary land relations between men and women, does not totally preclude women in the area of access to land for agriculture, it does not provide support and security for their right of ownership and control. It was also concluded that even though most women in the Frafra traditional area generally do not have secured rights to land, there is no evidence of this negatively impacting on the ability of women raising credit from the financial institutions.

The recommendations are geared towards the enhancement of the right of women to access, own and control land and these include the government, in conjunction with gender based NGO’s and other relevant stakeholders should develop appropriate platforms to trigger discussions and negotiations on improving women’s land rights through the abolition of certain inimical customary practices

and traditions that impede women's rights to land. It is also recommended that Gender Focal Persons be appointed to the secretariat of the Regional Lands Commission (LC) whose duties would be to identify and collate the customary practices inhibiting women's land rights for the attention of the LC to enable it map out and devise policies and strategies that will ameliorate the situation. A comprehensive law on the property rights of spouses must be promulgated to protect women's property rights in the matrimonial homes and also enable them make claims to farmlands of their spouses in the Frafra Traditional Area.



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3. Intestate Succession Law, PNDCL 111 (1985)
4. Land Title Registration Law 152 (1985)

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ABREVIATIONS

1 st NB	1 st National Bank
ADB	Agricultural Development Bank
BBG	Barclays Bank Ghana
BCB	Builsa Community Bank
BFS	Bayport Financial Services
CEDAW	Convention on the Elimination of All forms of Discrimination Against women
CENSUDI	Centre for Sustainable Development Initiatives
DO	Direct Observation
FAO	Food and Agriculture Organisation
FGD	Focus Group Discussion
GADS	Gender and Agriculture Development Strategy
GCB	Ghana Commercial Bank
GLSS	Ghana Living Standards Survey
GPRS	Ghana Poverty Reduction Strategy
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFAD	International Fund for Agricultural Development
KII	Key Informant in-depth Interview
LACOSREP	Land Conservation and Smallholder Rehabilitation Project
LC	Lands Commission
NIB	National Investment Bank
NGO	Non Governmental Organisation
PNDC	Provisional National Defence Council
SBG	Stanbic Bank Ghana

SFS	Sungrepaana Financial Services
SI	Survey Instrument
SPSS	Statistical Package for Social Research
UN	United Nations
WIA	Women in Agriculture

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1. Map showing the Frafra Traditional Area
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CHAPTER ONE

INTRODUCTION

1.1 Background

Land is a key resource for the rural and urban poor as it provides an important basis for their economic and social development. In Ghana, land ownership, land rights and tenures are administered in a plural legal environment with customary laws and norms operating alongside statutes. The customary owners - stools, clans, families, and *tendamba*, who hold the allodial title, own about 78 percent of the total land area in Ghana. Of the remaining 22 percent, the state owns about 20 percent while the remaining 2 percent is held in dual ownership: the legal estate in the government and the beneficiary/equitable interest in the community (Kassanga, 2003).

Land may be considered the most important raw material or asset necessary for agricultural production. In most of Africa, land is seen as a communal property which is expected to be preserved and handed down to future generations. This is because land is deemed to belong to a community defined as a vast family of which many are dead, a few are living, and countless members are unborn (Ollenu, 1962). Traditionally, land is therefore inalienable. It is communally owned and the community, group or family constitutes the basic medium of access to land. The individual members have usufructuary right over the communal land based on kinship, membership of the community or birthright. Strangers or non-members gain access to communal land through transfer of right to use by a member of the land owning community. The forms of transfer include outright sale/purchase, leasehold, gift, and sharecropping and also government acquisition through legislation and redistribution (La-Anyane, 1962 cited in Fayorsey, 2003).

Paramount/Allodial title to land among the patrilineal descent group such as the Ewe and Dangme is vested in the family and the quarters among most of the Ga.

In most parts of the upper east region of Ghana, allodial title is vested in the tendamba. Generally, sons succeed their fathers although there may be differences depending on locality. For instance, in Northern Ghana, when an individual is given a parcel of land by the tendaana, he/she becomes a permanent owner of the land. The land is passed on to male children (Kassanga, 1988).

The need for gender balance in land tenure is underscored by the fact that in global terms, women own only one percent of all land (Seager, 1997, cited in Bugri, 2008). It has been argued (Leonard and Toulmin, 2000) that more attention should be paid to the land rights of women in Africa due to the important contribution women make to agriculture production and the continued importance of land to the incomes, employment and food security of rural households, as well as the weaknesses of women's formal claims over land and their apparent vulnerability to loss, as land becomes scarce. According to Duncan (2004) women remain the centre-piece of food security and hold the key to sound and healthy economy as they play lead role in the food chain beginning from farm production, market and intra household distribution of food.

Throughout the world, women constitute a large portion of the economically active population engaged in agriculture, both as farmers and as farm workers, and play a crucial role in ensuring household food security, despite enjoying very limited rights to land. In many countries, the role of women in agricultural production has increased in recent years as a result of men's migration to urban areas and absorption in non-agricultural sectors. However, in many parts of the world, women have little or no access to resources such as land, credit and extension services.

Rural poverty is strongly associated with poor access to land, either in the form of landlessness or because of insecure and contested land rights. Economic analysis has long recognised the importance of secure property rights for growth, and

therefore for the poverty reduction which growth can bring. Increased land access for women can also bring direct benefits of poverty alleviation, not least by contributing directly to increased household food security. In countries where agriculture is a main economic activity, access to land is a fundamental means whereby the poor can ensure household food supplies and generate income (Cotulla et al. 2006).

The relationship between access to land and poverty reduction cannot be seen in isolation from broader agricultural and economic policy. Equally, these issues are intimately connected with rural development policies and environmental outcomes. The distribution of land rights and opportunities for access to land will have implications for the distribution of wealth, rates of economic growth and the incidence of poverty, and the shape and direction of agricultural development will affect the incomes and returns from different types of farming activity, the value of land and demands for access to land resources (Cotulla et al. 2004 cited in Cotulla et al. 2006).

According to Gray and Kevane (1996), there is a common story about women and land tenure status that transcends ethnic, cultural and national boundaries in sub-Saharan Africa. The story begins by placing women not as 'owners of land' but rather as 'owners of crops'. They have rights to cultivate, and rights to dispose of crops and crop income, but not rights to allocate or alienate land. Their ultimate rights to use land are associated with their position toward men as mothers, wives, sisters and daughters. More importantly, when land becomes scarce or rises in value, or when rights are formalized through titles or registration, these rights to use land are revealed to be secondary and tenuous. The right to receive turns out rarely to be as compelling as the right to give. Men use their position of dominance in society to 'expropriate' women's rights to land. Women, whose rights to farm a plot of land were guaranteed by marital or kinship status, lose these rights and face a diminished

tenure status that underlies and reinforces a greater economic and social insecurity. The literature on women's access to land is replete with examples of these dramatic reductions in rights.

When it comes to landownership in Ghana especially in the patrilineal areas such as Northern Ghana, there is a high perception that women do not own land and also, generally perceived that women are discriminated against in terms of their land rights (Bugri, 2008).

1.2 STATEMENT OF THE PROBLEM

Women in Ghana are recognized under law as having equal rights with men in all spheres of life. The 1992 Constitution recognises equality of all persons before the law and prohibits discrimination on the grounds of sex, religion etc. According to Duncan (2004) women constitute an overwhelming majority in the informal sector more especially in the agriculture sector where they form

52 percent of the productive force. They also account for 70 percent of subsistence crops and form about 90 percent of the labour force in the marketing of the farm produce. Women supply 80% of the labour in the harvesting, storing, processing and marketing of agricultural produce. They also contribute to weeding and other farm activities. Women's crops play an important role in household food security and generate cash for buying oil, vegetables, meat and, increasingly, extra staple foods.

Land ownership confers direct economic benefits as a key input into agricultural production; as a source of income from rental or sale; and as collateral for credit that can be used for either consumption or investment purposes. However, women may not fully participate in these benefits as members of a household if they do not share formal property rights over the land; only independent or joint ownership can ensure that women have access to control over land-based earnings (World Bank, 2005).

In addition to the direct economic benefits of land ownership, property rights may serve to empower women in their negotiations with other household members. Even beyond increasing bargaining power within the household, land rights may empower individuals to participate more effectively in their immediate communities and in the larger civil and political aspects of society.

Substantial differences exist between patrilineal and matrilineal societies, with women generally having stronger land rights under the latter. However, in most cases, rights in arable land are allocated by the lineage authority to the male household head; women have secondary, derived rights, obtained through their relationship with male family members (husbands, fathers, brothers or sons). Under many customary systems, women's inheritance rights are limited: not only within patrilineal systems (where property devolves along the male line, to the exclusion of women), but also in matrilineal systems (where, although property traces through the mother's line, land control usually rests with male family members). With population pressures, cultural change, agricultural intensification and commercialisation, many customary systems have evolved towards greater individualisation, extending the rights vested in male household heads and further eroding women's secondary rights (Lastarria-Cornhiel 1997; Mackenzie 1998; Gray & Kevane 2001 cited in Cotulla et al, 2006).

Significant differences exist with regards to women's and men's access to and control over land in the Upper East Region. These gender inequalities were largely ascribed to men's dominance in decision-making processes, their dominance in leadership positions within the communities and households, the advantages accorded to them by local tradition, custom and the patrilineal inheritance system, men's greater opportunities to acquire land, their relatively better financial position and the greater status ascribed to men by society. Most men and women had

access to farmland, but their degree of access differed. Men often had full (primary) access rights to land and women often had partial or conditional (secondary) access rights to land. This perceived gender inequality in land rights has been heightened by IFAD (1998) from its evaluation of the Upper East Region Land Conservation and Smallholder Rehabilitation Project (LACOSREP) which highlighted the difficulties in enhancing women's land rights.

Farming is the main productive activity in the Upper East Region of Ghana. Women supply 80% of the labour in the harvesting, storing, processing and marketing of agricultural produce. They also contribute to weeding and other farm activities. Women's crops play an important role in household food security and generate cash for buying oil, vegetables, meat and, increasingly, extra staple foods.

Nevertheless, women have limited access to and control over resources such as water and land. Decision-making on land at the community level tends to be dominated by male village chiefs, tendamba (landowners) and elders or heads of clans. At best, a woman can expect to obtain temporary use of a plot of land from her husband, if the latter feels he can spare the woman's labour. Unmarried women seldom have access to land. Widows tend to lose access to land unless they have male children. When women do gain use of small plots, they are usually the plots that are farthest away and the least productive (ibid).

The basic idea behind landholding is that the size of the land should be in line with the capacity of people to work on it. Women, of course, can control only the labour of their children and sometimes that of younger brothers or sisters. In a sense, they do not control even their own labour, since they are first obliged to devote it to working on the man's plot. Thus labour access places constraints on women's access to land, which in turn restricts women's access to credit from formal sources.

A growing body of literature shows that a country's economic productivity is reduced when access to productive resources is slanted towards men. In Ghana, it is difficult for women to access credit (Dameh et al 1992 cited in World Bank 1999). Women have less access to credit from formal channels than men do (GLSS, 1993), although, given the available data, the extent of the gender gap in credit is difficult to determine. Lack of collateral which is believed to be partly because of the weak land tenure rights which limits the rights of women to land is perhaps the reason why it is difficult for women in getting as much credit as they need from formal sources.

Similarly, the Ministry of Food and Agriculture in Ghana, acknowledges the fact that the agricultural productivity of women farmers is hampered in Ghana by their insecure access to land as well as their limited access to financial services, their limited access to labour, the lack of appropriate technologies, skewed extension services delivery, heavy workload resulting in time constraints and women's lack of involvement in decision making (Gender and Agricultural Development Strategy, 2001 cited in Duncan and Brants, 2004)).

1.3 OBJECTIVES OF STUDY

The broad objective of the study is to assess and bring to the fore, the nature and types of rights women have in land in the Upper East Region, and the effects of these on their access to credit.

The specific objectives of the study are to:

1. Investigate the nature of the land relations within the customs of the Frafras of the Bolgatanga and Talensi-Nabdam Districts in the Upper East Region;
2. Highlight disparities, if any between men and women's rights regarding ownership, access, use and control of land in the region;

3. Identify the factors that limit women's rights of access, control, use and ownership of land, if any;
4. Determine the extent to which the lack of access to land by women influence their credit accessibility in the region; and
5. To draw lessons from these and make appropriate recommendations.

1.4 METHODOLOGY

The findings from this study was based on qualitative and quantitative assessment of the situation regarding women land rights and their access to credit in the Frafra traditional areas, comprising selected urban, peri-urban and rural communities in the Bolgatanga Municipality and Talensi-Nabdam District of the Upper East Region.

The study made use of both primary and secondary sources of data mainly from field study and documentary information in the libraries respectively. Both published and unpublished materials on gender, security and access to land were consulted.

Primary Data

The primary data were collected from chiefs, tendamba, opinion leaders, elderly persons, women and family heads in selected communities from the two districts. Primary data were also sourced from officials of government departments like the Land Sector Agencies, Department of Women, Social Welfare Department, etc and Non-Governmental Organisations like the Widows and Orphan Ministry, Single Mothers Association, CENSUDI, and others that are engaged in gender activities in the Upper East Region.

The methods used in collecting the data for the study included key informant interviews, administration of questionnaire and use of structured guidance notes for focus group discussions.

Sampling Method

To facilitate the analysis, a total of thirty communities were selected for the study with eighteen of them randomly picked from the Bolgatanga Municipality categorised into urban, per-urban and rural and the remaining twelve from the Talensi-Nabdam District. Here too, four communities were taken from the Talensi speaking area and the other four from the Nabdam speaking area.

In line with the objectives of the study, the qualitative sampling utilised the purposive and snowball methods for the conduct of individual and group interviews on wide range of stakeholders: widows, married women, spinsters, chiefs, tendambas, family heads, and opinion leaders, among others. In order to deal with the high risk of bias in the application of the methods for data collection, a list of confirming questions was designed for respondents prior to the conduct of the actual qualitative interviews. The respondents for the confirming questions include traditional rulers, opinion leaders, district assemblies and tendambas. The aim of the confirming questions was to ensure that the sampled districts, communities and individuals were representative of the Frafra Traditional Area and suitable for the provision of relevant data for the study.

On the other hand, the quantitative survey of 450 respondents used simple random sampling technique to get a sample of women (270) as the target group for the investigation from the randomly selected communities in the two districts. This is because the women themselves will be in the best position to print a good picture about the extent, nature and types of rights that they have in land and their

accessibility to credit facilities in the region. The Statistical Package for Social Research (SPSS) was used to process and analyse the collected data.

Secondary Data

The main sources of secondary data were documentary information both published and unpublished in the libraries and internet, government offices and non-governmental sources.

1.5 SCOPE OF STUDY

The study was specifically restricted to land rights of women and their access to credit and the focus was on the frafra traditional areas of the Bolgatanga Municipality and Talensi-Nabdam District in the Upper East Region. The study identified factors that tend to impede women's land rights in the nature of access, control and ownership, and also assessed the implications of these on the accessibility of credit to draw lessons and offer recommendations to guide future policy on security of land tenure for women. Though the focus was restricted to the study area, the results would invariably be for land tenure security policies in general.

1.6 CHOICE OF STUDY AREA

The Bolgatanga Municipality and Talensi-Nabdam District are predominantly inhabited by the frafra ethnic group and like all the other ethnic groups in the Upper East Region, namely the Kusasis, Kassenas, Builsas, etc have a decentralised customary administrative system. These groups have land priests (tendamba) and in some areas chiefs as the customary custodians of the lands. In most of the communities in the region, chiefs are basically political and administrative heads. All the ethnic groups in the region practice the patrilineal system of inheritance, hence it

is obvious that the problems and challenges likely to arise from the study will be common to most of these ethnic groups and the region as a whole.

1.7 RELEVANCE OF THE STUDY

The study was evolved out of a need for increased insight into the nature of women rights regarding access to and control over land and the implications of insecurity of land tenure on the ability of women to access credit in the Frafra Traditional Area and the Upper East Region in general. The study is of prime importance to a region like this which has a predominantly rural population of 87% and a female population of 52% (Government of Ghana, 2000). Women in the Upper East Region supply 80% of the labour in the harvesting, processing and marketing of agricultural produce (IFAD, 1998). Women also play a significant role in household food security from farming activities. The study therefore helps in addressing the issue of poverty and the improvement of women rights to land and other means of production.

The findings and recommendations have tremendous importance to government agencies in-charge of formulating and implementing land policies such as the Ministry of Lands, Forestry and Mines which would find the study useful in drawing and implementing land policies under the current Land Administration Project.

The study is of significance to non-governmental organisations in assessing the impact of their performance on beneficiary communities in a bid to ensuring that their activities actually promote women access, ownership and control of land and its resources. Gender Development Consultants too would find the study useful in the drawing and execution of programmes for enhancing women's access, ownership and control of land schemes for their clients.

Finally, it would serve as the basis for future studies and investigation into access to land, ownership and control of land with respect to gender.

1.8 ORGANISATION OF STUDY

The study is structured as follows:

- Chapter one is introductory, detailing the objectives of the study, statement of the problem, scope, relevance of the study and materials and methods used for the study.
- Chapter two presents a compact literature review on land rights for men and women regarding their access, use and control in Africa, Ghana and the Upper East Region.
- Chapter three provides a profile of the study area and the target group and a detail explanation of the materials and methods used for the study.
- Chapter four presents and discusses the key findings of the study and an overview of the factors that affect women's land rights (access to and control over land) and how this affect their accessibility to credit facilities in the Upper East Region.



CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter provides a compact review of relevant literature on women's land rights and security of tenure in Africa, Ghana and the Upper East Region.

2.2 The Issue of Gender and Access to Land

Access to land involves the right to do certain things with the land and this include the rights to use the land, decide how the land is used, enjoy what is produced from the land, exclude people from the land, transfer land rights through gift, inheritance,

sale or lease and use land as security for loans (FAO, 2006). Cotula (2007) states that in traditional African land tenure, certain rights to a piece of land can belong to one person or a group; while other rights to the same piece of land are held by another person or group. The FAO (2002) has illustrated that rights of access to land can take the following forms:

- **Use rights:** the right to use land for grazing, growing subsistence crops, gathering minor forestry products, etc.
- **Control rights:** the right to make decisions on how the land should be used and to benefit financially from the sale of crops, etc.
- **Transfer rights:** the right to sell or mortgage the land, to convey the land to others through intra-community re-allocations or to heirs and to re-allocate use and control rights (ibid).

Access to land is governed through land tenure systems and according to Kassanga (2003); land tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. Rules of tenure define how property rights in land are to be distributed within societies, along with associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resource, for how long, and under what conditions (ibid).

Land is the most significant form of property linking economic, cultural, political and legal dimensions of social life. Land tenure regimes that incorporate the interest of all actors, and that promote women's rights to own and manage land, are critical in advancing women's social and economic citizenship (Rasavi, 2003). In an agrarian economy such as exists in Ghana, one of the main factors which creates and sustains poverty is insecure access to land and other productive resources.

There is a common story about women and land tenure status which transcends ethnic, cultural and national boundaries in Sub-Saharan Africa where

women are not placed as owners of land but as owners of crops (Gray and Kevane, 1996). The concept of sustainable development hinges on the ability and willingness of people to make long term investment in land and this directly depends on its accessibility and the protection that is given to holders of rights in the land (FAO, 2002). According to Duncan (2004), women generally have rights to cultivate and rights to dispose of crops and crop income, but not rights to allocate or alienate land and that these rights to use the land are associated with their position towards men, thus as mothers, wives, sisters and daughters. It has also been argued by Gray and Kevane (1996), that more importantly, when land becomes scarce or rises in value or when rights are formalised through title or registration, then rights to use land are revealed to be secondary and tenuous.

Whilst lack of security of tenure affects millions of people across the world, women face added risks of deprivation in Africa as they are systematically denied their human rights to access, own, control or inherit land and property (Benschop, 2004). The vast majority of women cannot afford to buy land, and usually can only access land and housing through male relatives, which makes their security of tenure dependent on good marital and family relations (ibid).

Security of land tenure used to be guaranteed by the utilisation of the land. Duncan (2004), citing Du Guerny and Topouzis (1996) argued that women's land use rights have been eroded due to external factors, such as population growth and agricultural commercialisation. Fallow lands previously used by women and poor people to gather firewood, fruits, wild grains and fodder have been converted into farmlands and are no longer accessible to them. Women are always the first to lose their land rights as these are generally usufruct or borrowed rights.

These use rights, however, may not grant enough security for women and other dependants when traditional family structures dissolve. Davidson (1988)

argues that through labour mobility, divorce, separation, or death, an increasing number of women are becoming the heads of households. They are thus making many of the day-to-day decisions affecting shelter, food production, and household economies. Yet only a small proportion of these women hold secure land rights (ibid).

There is a growing perception that women are disadvantaged in terms of control, ownership and access to land (Nyari, 2001; Duncan and Brant, 2004; Fayorsey, 2003) and that tenurial arrangements are detrimental to agricultural development. Kassanga (1998) stated that in this country (Ghana) there are wide variations in land tenure systems, each being highly deficient in the ability to fulfil the basic requirements of good tenure. That it is the insufficiency of these conditions which account above all others, for the inefficiencies that occur in our agriculture. The communal system of tenure does not give the incentive towards conservation. La Anyane (1962) as cited in Fayorsey (2003) echoed this view when he reported that perhaps the most important problem of agricultural production in Ghana is that of land tenure agreements. According to him the communal land tenure system poses some problems and risks in land development by the users, in that it discourages people from adopting modern agricultural and land improvement measures. Also lack of registration render access to land difficult and prevents the general use of land as collateral for the much needed bank loans and finally the inheritance arrangement too excludes females who are the dominant group in rural households from accessing land (ibid).

Apart from the allegation that land for general agricultural purposes is a problem, it has been suggested by some researchers that land acquisition is a problem for female farmers (Duncan and Brant, 2004). For example, in common property resource system there is the impression that all members of the community have

equivalent rights, but a closer analysis may show disparities between genders (FAO, 2006). In some societies, women cannot hold rights to land independently of their husbands or male relatives. Their rights are also often different from those of men. Whitehead and Tsikata (2003) underscores this point by arguing that many countries do have legislations or constitutions that recognise equal rights of both men and women, including rights to land, however, the formal rules are not always observed in practice.

In Ghana, instances have been recorded which depict the difficulties women face in land acquisition. Duncan (2004) reported that in Anloga in the Volta Region, the society is patrilineal and all children are supposed to inherit their fathers, but it has been documented that daughters receive a much smaller share than the sons. According to Fayorsey (2003), citing Oware-Gekye, 1985; Woodman, 1985 and Assenso-Okyerere et al., 1993b, when women have communal rights they are denied use right as individuals and where use rights exist, they lapse as soon as they marry and go away to another village. Thus access to such land is through the husband and this opportunity ends with the death of spouse or divorce. IFAD (1998) reports the same about women in the Upper East Region of Ghana. In both patrilineal and matrilineal societies in Ghana, wives cannot succeed their deceased husbands and therefore they and their children are denied the right to participate in their husbands' and fathers' property, even where they helped to create the wealth (Fayorsey, 2003).

Notwithstanding the above arguments, there is evidence that women's access to land is improving. Woodman (1985) is of the view that women's chances of gaining access to land are becoming brighter due to migrations, education and economic changes in rural communities. She argues that in the rural areas, women have easy access to land and what is required is the ability and resources to cultivate any size of land (ibid). Fayorsey (2003) agrees that although men appear to

dominate, there is no discrimination as to access to land based on sex for any purpose, whether for agricultural or building purposes. She however states that certain customary practices rob women of their rights in land and these must be changed. A recent report on the status of women in Ghana states that there seems to be a gradual removal of the more discriminatory provisions relating to land tenure and to more definite efforts to improve the access of women farmers to land (NCWD, 1995 cited in Fayorsey, 2003). Bugri (2008) reports on a study in North-east Ghana that customary practices even under the patrilineal system of land inheritance are changing in favour of women owning land, and access to land for livelihood needs is similar across gender.

It has been pointed out by Bortei-Doku (1990) that problems occur when there are barriers to women owning land in their own right, when it comes to making farm management decisions or gaining access to credit after the death of a husband or when the husband is away for an expected period. Benneh et al. (1996) cited in Fayorsey (2003) examined women's access to agricultural land in some household in the Ashanti and Upper West regions concluded using empirical evidence from field surveys that the existing tenure systems present no significant obstacle to women's access to agricultural land and that neither does tenure directly inhibit agricultural development amongst women.

In recent times, more females are seeking access to land because of education and economic changes in the rural communities. There is a better understanding of the demands of life and the quest to acquire property for one's self is propelling many women in the rural areas to seek land and to undertake some productive ventures (Agarwal, 2003). This is in contrast to earlier times when women had to fulfil their marital obligation by giving up their own lands or only maintain smaller portions so that they could manage alongside their husband's farm (Duncan, 2004).

2.3 Women Access to Land and Security of Land Tenure.

Secure land rights are said to have significant positive impact on the alleviation of poverty, as it gives the owners greater control over their labour, a rationale to invest in the land and crops, greater access to extension services and more bargaining power (Duncan, 2004). According to Quisumbing *et al* (1998), although a secure right to land does not necessarily guarantee sustainable land management, it can be a powerful incentive. Farmers with long term access have greater incentive to sustain the land and develop ways of preserving and regenerating it (ibid)

Women have long had access to land in sub-Saharan Africa, but men and women have rarely, if ever, had identical kinds of claim to land, largely because the genders have very differentiated positions within the kinship systems that are the primary organising order for land access. It is striking that there is no recognised formal category for the particular character of women's land access. Marriage is one important site for women's claim to land and many authors report that husbands devolve land to their wives for farming (Whitehead and Tsikata, 2003). However, other authors find that it is from the husband's kin groups that wives get land and it is this kin group that may in some circumstances protect her claims (Agarwal 2003; Duncan 2004). Women often also retain some residual land claims in their own kin groups as well as frequently obtaining land by loan or gift from a wider circle of social ties. That women get land through many social relations bears emphasis because some policy discussions assert that women get access to land as wives and go on to argue that their claims are weak because of this (Cheater 1982; Moore and Vaughan 1994; Bosworth 1995; Yngstrom 1999 cited by Whitehead and Tsikata, 2003).

Women play an indispensable role in food production in Africa (Leonard and Toulmin 2000). They are said to be the most important actors in the food chain

beginning from the food production through to the distribution stage (Duncan 2004). Women in Ghana are obliged by tradition, to assist their husbands in their farming activities. These activities are carried out in addition to their own farming activities, which are either preformed on their husbands' plots or on separate plots of land that have been allocated to them (ibid). Notwithstanding, the central role of women in economic development of the country, they do not have unfettered access to resources including land as their male counterparts.

Customary land tenure, even from the colonial times has been held not to provide adequate tenure security to women and other vulnerable groups in society, thereby discouraging investment and negatively affecting agriculture (Cotula (ed), 2007 citing Swynnerton, 1995; Wilson, 1971). This seem to explain why for decades, many African governments have sought to replace customary land tenure systems with a "modern" system of property rights, based on state legislation, on European concepts of ownership and on land titling and registration.

This marginalised land position of women according to Niessen (1985) cited in Bugri (2008) is said to be due to the lack of clearly-defined social identity of women where they are situated between the wife-taking group and the wife-giving group and associated with both groups but absolutely members of neither, and have no clearly defined social identity. It has also been argued that land rights position of women gets worsen when land becomes scarcer (Kasanga, 2003; Leonard and Toulmin, 2000) and also when land registration takes place, according to Gray and Kevane (1996).

If Whitehead and Tsikata (2003) are correct, there is clearly some ambivalence to the state and to statutory law. At one end of the spectrum is the view that statutory laws themselves have discriminated against women. Relevant here is the widespread understanding that women's land rights were severely eroded by

titling and individualisation backed by statutes in Kenya (ibid). As a result, very little rural land has been registered (across the continent formal tenure covers only between 2 and 10 percent of the land (Deininger, 2003), and customary land tenure systems continue to be applied in much of rural Africa.

At the same time, important equity concerns have been raised in relation to many customary systems, particularly with regards to gender and the protection of the land rights of more marginalised groups. Far from being the idealised, “community-based” systems described by some, customary land tenure regimes provide the backdrop for processes of exploitation and social exclusion (Platteau, 1006). Alden-Wily (2000) contributing to the debate pointed out that while the central role played by negotiation under customary land tenure enables flexibility and adaptability, it can also lead to the marginalisation of those with weaker bargaining power. It is also true that, while the position of women under customary tenure varies considerably, many such systems contain norms and practices that are gender discriminatory (Whitehead and Tsikata, 2003).

According to Whitehead and Tsikata (2003), female African and Africanist feminist lawyers (Hay and Wright 1982; Manuh 1984; Armstrong and Stewart 1990) who are concerned with drawing attention to women’s rights issues within the legal system as a whole and within different areas of law have in their approaches to women and land, hold the most common view that legally backed land ownership is critical to rural women’s production and economic efficiency. They have mainly explored the ways in which customary law rules currently do not favour women, and generally argue that both laws and practice discriminate against women (ibid)

In theory, customary systems of land tenure and use traditionally provided some recourse for women in need of land for food production. Knowles (1991) suggests that this theoretical refuge ran along a continuum from a right to beg for a

piece of land from male relative or acquaintance, to a system where women's rights to land from their native lineages were strong enough to attract them away from their marital residences in patrilocal societies, for the purpose of continuing to cultivate land provided by their natal families.

The content of customary law, in which women's rights in land are described as derived and secondary and depending on their relations with various men – fathers, brothers, husbands and sons, have also been criticised playing part in the erosion of women's interest in land (Duncan, 2004; Fayorsey, 2003; Davidson, 1998). Either they have no inheritance rights or their inheritance rights are inferior to men's, with some authors pointing out that women themselves might be inherited when their husbands' die (Butegwa 1991; Karanja 1991). The whittling away of women's land rights by the changes instituted by these subsequent regimes was a direct result of their disabilities arising from the customary rules of inheritance and the customary division of labour which had resulted in women not being able to acquire land for themselves (Karanja, 1991). Knowles agrees, arguing that as economic and political changes unfold at best, women are forced onto the least desirable and productive land and, at worst, their limited rights may be extinguished altogether (Knowles, 1991).

The process of land reform solidified the role of men as the inextricable link between women and the land and further hardened their land rights into absolute ownership to the exclusion of women (Gray and Kevane, 1999). The other position is that while a law may be progressive in its provisions, it is the enforcement that is the problem. Butegwa (1991), for example argues that where statutory law is on the face of it favourable, it is not enforced because of women's lack of awareness and power, resistance from male relations, the fear of sanctions and the lack of political will on the part of government. Kameri-Mbote (2005) postulated that even though statutory

law does in principle govern land relations, customary practices continue to be very important in the determination of land rights. Women's security of tenure thus continue to be threatened by discriminatory customary practices of inheritance, lack of adequate protective legislation and the failure to observe governmental and legal measures intended for the protection of women's land rights. Butegwa calls this the 'inherent limit of law as an instrument for social change' (Butegwa, 1991).

The FAO (2002) agrees that in many countries, there is still a lack of adequate provisions for women to hold land rights independently of their husbands or male relatives. Statutory law often does not provide for women's independent rights and when such legislation does exist, mechanisms to reinforce it are often absent (ibid).

The call by most feminist writers (Agarwal, 2003; Cotula *et al.*, 2006; Duncan, 2004; Whitehead and Tsikata, 2003) to enhance the security of land rights for women in Africa cannot be overemphasised. For instance, it has been argued that rural poverty is strongly associated with poor access to land, either in the form of landlessness or because of insecure and contested land rights (FAO, 2006). Economic analysis has long recognised the importance of secure property rights for growth, and therefore for the poverty reduction which growth can bring (ibid). Fayorsey (2003) observed that increased land access for the poor can also bring direct benefits of poverty alleviation, not least by contributing directly to increased household food security. In countries where agriculture is a main economic activity, access to land is a fundamental means whereby the poor can ensure household food supplies and generate income. This applies both to societies in which subsistence agriculture is prevalent, where access to land is the *sine qua non* of household food security (Cotulla *et al.*, 2006). Even where agriculture and land are becoming less important with the growth of alternative sources of income, secure land rights

provide a valuable source of income for investment, retirement or security in case of unemployment (ibid).

Secure rights to land are also a basis for shelter, for access to services and for civic and political participation (FAO, 2002). They are also a source of financial security, as collateral to raise credit or as a transferable asset that can be sold, rented out, mortgaged, loaned or bequeathed. Moreover, secure access to land creates incentives for the user to invest labour and other resources in it, so as to maintain or enhance its value and sustain its productivity, and to access social and economic development opportunities (Benschop, 2004).

In any case, smallholders must have their property rights secured and protected. This would encourage them to invest in their land; enable them to safely rent out part of the land or rent in other land; or in the last resort provide the option to sell their land and harness the proceeds to develop new livelihood opportunities (Davidson, 1998).

2.4 Women's Traditional Rights to Land

Literature is replete with several arguments underscoring the importance of gender issues in African land tenure because women constitute a majority of small holder farmers contributing 60 – 80 per cent of the entire food production. It is therefore important to pay more attention to the land rights of women in Africa due to the important contribution they make to agriculture production.

Women often lack secure rights to land. Kimani (2008) argues that land rights tend to be held by men or kinship groups controlled by men and women have access mainly through a male relative, usually a father or husband. Moreover, such limited access is very tenuous and can be quickly lost.

According to Gray and Kevane (1996), there are exceptions rather than the rule of African land tenure systems in which women have rights to land that allow them

to alienate or allocate land. Below is a presentation of two of these exceptional systems. First is where Islamic norms of inheritance have codified women's rights to inherit and transfer land. We find that these rights, when applied, are persistent and are not generally abandoned with new relations of production and land-holding. The second case is where women have strong customary rights that allow them to transfer land. These rights appear to be highly mutable in nature; with increased levels of commercialization, they have become less insecure. Nevertheless they remain strong (ibid).

2.4.1 Areas Influenced by Islamic Inheritance Law.

Probably the areas of sub-Saharan Africa where women have historically had the strongest rights to land occur where they inherit land according to the precepts of Islamic law. Caplan (1974) cited in Grey and Kevane (1996) study of inheritance rights in a Swahili village is a case in point; women on Mafia Island off the Tanzania coast have strong rights not only in bush land, but in higher value coconut land. He argued that *“Upon the death of a father a daughter can inherit a share of her parent's property equal to one-half of her brother's. Husbands and wives also inherit each other's property; a woman receives one-eighth of her husband's property, while a husband can receive a quarter of his wife's property”* (ibid). Valuable coconut groves are not only inherited, but presented to women as a marriage payment or compensation upon divorce. Daughters retain rights to their land even when they have married out of their kin group (ibid).

According to Barnett (1977), he indicated that most areas where principles of Islamic inheritance dominate have a strong connection to Arab culture, be it Swahili peasants on the coast of Tanzania or farmers in eastern Sudan. The Gezira area of Sudan is a case in point. Under the auspices of the Gezira scheme, one of the largest irrigation schemes in the world, land was confiscated (under national domain laws)

from men and women, and redistributed to men only, in the form of semi-permanent tenancies. Yet over time women regained their access to land through Islamic inheritance. Davidson (1988) illustrates this case again when discussing how a Blue Nile irrigation scheme reduced women's control over and access to land by not allocating tenancies to women. Over time, though, women regained access to land through Islamic inheritance; in 1982 about 16% of tenants were women (ibid).

The UN-HABITAT (2005) re-echoed this position by stating that while modern reforms and changes have influenced several fields of Islamic law, the detailed classical inheritance structures has been one of the enduring legacies of classical Islamic law or Shari'a.

Being Muslim, of course, does not mean that a society will adhere to either the spirit or the letter of orthodox Islamic inheritance laws. Most Muslim societies in West Africa do not use principles of Islamic inheritance when redistributing land. Hill (1970) argues that there is nothing Islamic about inheritance among the Muslim Hausa: when a father dies, then, his manured farms are usually divided between his sons. It has become an undeniable fact that lip service only is paid to the rules of Muslim inheritance.

2.4.2 Areas where Local Norms give Strong Rights to Women

The social systems of sub-Saharan Africa differ from much of the rest of the world, and one of the important differences is the relative preponderance of traditional societies giving considerable authority to women. The female market traders of West Africa, the women's riots of Nigeria and Cameroon, the queens and matriarchs across the continent; all attest to the occasional exceptional role of women (Knowles, 1991). This section describes a number of areas where women have strong land rights.

Women in West Africa often have strong customary claims on land they have cleared for low-lying rice swamps. In the Gambia, women have the right to pass this land on to their daughters and consider themselves as owners of this land (Dey, 1981). It has been reported by writers such as Dacher (1992); Leach (1992); Linares (1992) and MacCormack (1982) cited in Gray and Kevane (1996) that in south-western Burkina Faso, Goin women owned and inherited rice swamps, and in Sierra Leone women can appeal to their natal kin for rice fields for their exclusive use. Bugri (2008) in his findings from a study in North-East Ghana also demonstrated that customary practices are changing in favour of women owning land, and male perception of this practice is even higher than female perception. Also a study of several villages in the Casamance region of Senegal reveals that in some villages, women have rights to inherit and transfer rice land (Gray and Kevane, 1996).

The introduction of cocoa into West Africa, and the interest it generated among early ethnographers and economists, provides another opportunity for observing strong female rights to land. Oppong *et al.*, (1975) find that in several surveys of cocoa communities in southern Ghana in the early 1970s women owned cocoa farms quite frequently, though, "men control two acres for every acre controlled by women." Mikell (1989) similarly reports that, *"in contrast to the more southern cocoa areas like Akim Abuakwa, women in interior areas like the Sunyani District formed approximately one-eighth of any random sample of cocoa farmers... many were married and had children"*.

2.5 Excluding Women's Land Rights through Custom

In much of West Africa under extensive agricultural production land is of low value, government intervention is minimal, and women gain land chiefly through marriage. Single younger women rarely have rights in land. Widows may have rights to small

plots in their natal community. Upon marriage a woman will generally be granted land controlled by her husband's lineage (Razavi, 2003). These use-rights are precarious and contingent upon divorce, widowhood, and relocation; they generally lose these rights (Knowles, 1991). Even in areas where women seem to have secure land rights, such rights are temporary and contingent in an unusual way; instead of depending on the good will of a husband, a woman depends on having sons, and then depends on the good will of her son. If a widow has no sons, then her deceased husband's patrilineal kin inherit his land and cattle (ibid). As Glazier (1985) puts it, "Inheritance is thus patrilineal, although rights to property are passed on through women who, paradoxically cannot own productive property outright." Her sons will claim the land when they are older, and they will have the power to allocate land to their wives.

Gray and Kevane (1996) argue that the changes on women's land tenure status are as a result of a change in practices that limits the exercise of these rights. A typical example of this change is marriage instability. What happens when the primary institution whereby women gain access to land breaks down? What happens when a woman's expectation of remaining married to a man is diminished? She has less incentive to contest her husband's stinginess in granting her land; less incentive to contest his arbitrary reallocations of land; in short, less incentive to activate her claims to land via her husband. Her husband, then, is left with more control over land, no longer encumbered by the claims of a long-term wife. If other men pursue similar strategies of monopolizing control over land, the strategies are self-reinforcing; the cost of securing the services of women will be lower since there are more single women willing to enter unions even without rights to land (ibid).

In the case of Ghana, Bugri (2008) citing Doku (1990) noted that the stability of a woman's marriage was a critical factor in gaining access to agricultural land. There is also evidence that divorcees and widows face discriminatory practices in terms of access to land in some African societies (ibid).

Hakansson (1986) describes how a whole category of landless women are appearing in Gusii areas of Kenya as the institution of marriage has changed. Until 1960's it was very rare to find unmarried adult women. After this time, men increasingly refused to pay bride wealth, and women started to 'elope'. Elopement means that women enter into a prolonged bride wealth repayment period. Until bride wealth is paid, then marriage has no legal status; women have no rights, and can be made to leave homestead at any time. As the men say, the women can be "chased away" if they do not work hard. While in the 1960's only 26% of women eloped, in the 1980's Hakansson found 87% eloped. Elopements and irregular unions that do not involve bride wealth payment have led to situations where wives are no longer necessarily absorbed into the patrilineal tenure system. These women can be expelled from a man's land easily. According to Hakansson (1986), "dissolution of informal unions are mostly initiated by men." Women's access to land is diminished. Women end up as single mothers, and have no rights to land in their patrilineal or children's fathers holdings (ibid).

This is not a phenomenon unique to Kenya. Andre and Platteau (1996) find, in their careful study of a Rwandan village that "roughly two-third of the couples in the area have been married without customary payment, and the proportion is obviously much higher among young couples." The effect of this is to give women little bargaining power in the marriage, and even less with respect to their own lineage should they divorce. In fact, Andre and Platteau argue that a divorced woman

will leave her sons behind with her ex-husband, knowing that her lineage will not give them land.

In some parts of Africa, the marginalised land rights position for women is argued to worsen when land becomes scarcer (Kassanga, 2003; Leonard and Toulmin, 2000). This situation is due to the fact that, in most traditional African systems of tenure, women do not inherit the land but are usually allocated land for use as wives in their husbands' clan or family lands (ibid). There are, therefore, those who espouse the view that because African women's land rights have been described as secondary to men, women should receive their own individual land titles (Bugri, 2008 citing Gopal and Salim, 1998; Golan, 1994).

2.6 Excluding Women through the State

The 'State' is not always a monolithic inexorable force denying women tenure status. Indeed, states often intervene to regulate land tenure systems and mitigate their negative effects on women (Leonard and Toulmin, 2000). This section focuses on some instances of projects or programs that have detrimentally altered women's access to land. Firstly, is a discussion on how land titling and registration programs in certain parts of Africa have expropriated women's land rights and also cases of the intended and unintended effects of irrigation projects on women.

2.6.1 Land Titling and Registration

One solution that western developments experts initially promoted to overcome the short comings of customary law was to give land titles to individuals (Kimani, 2008). Arguments in favour of land titling in Africa have focused on several potential benefits. A titling program gives the title-holder a valuable asset; he or she can sell the title and benefit from the inter-temporal gains from trade from holding an asset

(Besley, 1995). Owning an asset also gives land collateral value; farmers can use their land to borrow for investment or inputs. Farmers with a high degree of rights and security will make investments on their land, thus increasing the value of the land and increasing the productivity. Finally, security in tenure reduces costly effects of litigation which increases when land becomes more valuable.

In much of Africa, however, land titling in practice has had the opposite effect of creating tenure insecurity and demising access. Platteau (1996) argues that, *"In effect, if titling may reduce risk and transactions costs for some categories of people, it may simultaneously create new uncertainties for other categories which rely on customary or informal practices and rules to establish and safeguard their land claims."* Agarwal (2003) also noted that during the land registration process sub-groups face a serious risk of being denied legal recognition of their customary rights to land.

State involvement in the allocation of land through formal registration and titling has had a tremendous effect on women's access to land. Women, whose access to land has historically been guaranteed through customary channels, have generally been denied access through formal titling and registration (Glazer, 1985; Platteau, 1996; Whitehead and Tsikata, 2003). In the titling process, express norms against women 'owning' land trumped their rights to the use of land through marriage or kin. Under formal titling they are dully condemned; land is no longer available through customary channels and women are severely restricted in their financial and social ability to gain land through government or market routes (Platteau, 1996).

Kenya is undoubtedly the stellar example of the negative effects of land registration and titling. These policies gave "precedence to individual ownership invested in male heads of households and in turn marginalized the usufruct rights of

women formerly guaranteed under lineage tenure" (Davidson 1998). The effect of this is that women in Kenya are now cultivating smaller parcels than their mothers did (ibid).

Wajama *et al.* (1995) cited in Grey and Kevane (1996) reported that even the Kenyan Government finally recognised the impact of land registration on women's rights to land and in 1990 issued an administrative directive to ameliorate the discrimination against women's land acquisition, inheritance, and rights over land alienation.

2.6.2 Irrigation Projects

Women's reduced access to land under irrigation projects illustrates how tenuous women's rights are under certain systems. Below are examples of situations where women lose land under formal projects, even in cases that specifically target women.

According to Carney (1988), rice is traditionally a crop grown by women in the West African country, The Gambia. However with the introduction of a policy focused on pump-irrigation scheme resulted in a dismal utilisation and performance record, with women losing access to their customary rice land. Women historically controlled rice fields that they cleared with their own labour.

Bloch (1993) cited in Gray and Kevane (1996) examines women's access to land on small-scale irrigation plots in eastern Senegal. In traditional agriculture women have their own fields from which they control the income. After the introduction of the project managed by a parastatal agency created to develop the Senegal River Basin Area, resulted in a tremendous variation in women's participation. Women in some villages are eligible for land equal to that of men, while women in other villages are eligible for a smaller portion or not eligible for

land at all. Studies of the above and other irrigation schemes in Africa illustrate how women's access to land changed when the irrigation projects changed who could cultivate the irrigated lands.

2.7 Land and Gender Legal Framework in Ghana

In Ghana, as in many African countries, gender and kinship relations play a central role in the way in which land rights and production relations are determined. Under customary land tenure systems, control over resources generally follows clearly defined gender-segregated patterns based on traditional norms, which operate in such a way as to limit the land rights of women as compared to men. To a large extent, women's access and control over productive resources including land are determined by male-centred kinship institutions and authority structures, which tend to restrict women's land rights in favour of men (Bortei-Doku, 2002). In principle, customary norms in both matrilineal and patrilineal kin groups are designed to ensure that women are not arbitrarily deprived of basic resources for their production activities. However because of the lopsided control that men exercise over decisions concerning the allocation of resources both at home and in the public sphere, there is considerable room for gaps to develop and widen between the norms and actions that follow (ibid).

2.7.1 International and Domestic Legal Framework on Women's Land and Property Rights

The need to guarantee equity in the regulation of access to property is recognised internationally as an important pillar of social justice and equity. As a State Party to the Universal Declaration on Human Rights, 1948, the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, the Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (CEDAW) and

the African Charter on Human and People's Rights (the African Charter) to name a few, Ghana is bound by the express provisions of these instruments to protect and promote women's rights to property. This it must achieve through legislation and the institution of support services to make the right accessible and attainable to all women in Ghana (Ruenger, 2005).

According to Coker-Appiah and Foster (2005), under the Beijing Declaration & Platform for Action, Covenant for the New Millennium, it is recognized that women's poverty is directly related to the absence of economic opportunities, lack of access to economic resources including land ownership and inheritance, credit, lack of access to education and support services and their minimal participation in the decision-making process. Ghana is required under the Platform for Action, Strategic Objectives and Actions on Women and Poverty (Chapter IV) to formulate and implement policies and programmes that enhance the access of women, especially subsistence farmers in rural areas, to provide access to and control of land, etc. in order to increase women's incomes and promote household food security (Fayorsey 2003).

2.7.2 Ghana Constitution 1992

Article 17 of the 1992 Republican Constitution of Ghana provides that all persons shall be equal before the law, and further that a person shall not be discriminated against *inter alia* on grounds of gender, ethnic origin, social or economic status. In affording equality of economic opportunity to all citizens, the state is specifically required by the Constitution (Article 36 (6)) to take all necessary steps so as to ensure the full integration of women into the mainstream of the economic development of Ghana.

2.7.3 Ghana's Growth and Poverty Reduction Strategy Paper I and II

The Ghana Poverty Reduction Strategy I (GPRS I - 2002) acknowledges that insecurity of tenure is endemic and has a bearing on poverty reduction and economic growth. The GPRS I document states that failure to provide for the protection of land rights and prevention of abuse of traditional and institutional procedures place the poor, the illiterate and women most at risk. Whilst the GPRS document advocates for land tenure reform, it also recognizes that such reform should be accompanied by close monitoring to detect adverse effects on the poor and women for whom safety nets may be required. In fact, the feminization of poverty has been attributed mainly to the unequal access of women to productive resources and economic opportunities (ibid). Generally economic poverty in Ghana is deemed to be extremely high among crop farmers, and women have been found to predominate in this sector (Ruenger, 2006).

The GPRS II (2005) hence proposes to ensure women's access to and control over land and agricultural inputs and therefore to re-examine the existing variations in access and control over land in different communities in order to promote easy access and ensure equity to all, especially to usufructuary holdings (ibid)

2.7.4 Women's Land Rights and Legal Pluralism

Much of the complexity of land rights and tenure systems is the result of the co-existence of different systems (customary law, statutory law, constitutional provisions, and religious law) in the regulation of such rights (Hillhorst, 2000). Managing these systems to ensure security of tenure for all sections of the society has been a formidable challenge to the legal system in Ghana. The coexistence of plural systems of law regulating land in Ghana has presented special difficulties, particularly for the more vulnerable sections of society, including women and the rural and urban poor for a number of reasons (Ruenger, 2006).

Ruenger (2006) also acknowledges that, generally, rural people, majority of whom are women, rarely have access to formal legal procedures due to the complexity and cost of procedures involved and the lack of awareness of legal provisions. As a result, their rights exist in a state of legal limbo, which places them in a position of considerable insecurity with regard to their land rights. Women generally have limited resources and very little access to relevant information on their rights under the law, and are therefore often incapable of taking steps to assert their rights, especially when such rights are threatened by powerful developers with the full backing of political authorities or the local elite (ibid).

2.8 Women's Access to Land and Security of Tenure under Customary Law in Ghana

With regard to women's security of tenure, it is noted that to a large extent, women's land rights under customary law, especially for women in the rural areas, tend to be secondary rights, derived through their membership in households and lineages and secured primarily through marriage (Dowuona-Hammond, 2003; Hillhorst, 2000). Such secondary rights of women tend to be very insecure since they are often not clearly defined or documented and also tend to be subject to change, are of uncertain duration and are often subject to the maintenance of good relations between the parties involved (Kassanga, 2003).

The principal ways in which women acquire land is through their lineage, inheritance, marriage or by contractual arrangements. It is well established that according to customary law principles, all subjects of the stool and lineage members, regardless of sex, have inherent rights of access to the lands held by the stool or family head in trust (Ruenger, 2006). This interest, to which all subjects are entitled, is referred to as the usufructuary interest or customary freehold. Studies by Kotey and Tsikata (1998) have shown however that women's access to the usufruct is

affected by a number of factors including patterns of marital residence, land scarcity, production relations and gender bias in the size of land given to women among some groups, the most crucial determinant being the sexual division of labour and the organization of production in both patrilineal and matrilineal areas.

Bortei-Doku (2002) also describes some of the less obvious ways in which women are restricted in their control of resources, and how, despite these limitations, they manage to widen their claims to resources and the extent to which rituals control women's access to agricultural resources and how policy measures could strengthen the rights of access of women to land.

With regard to contractual arrangements for land, Duncan found that share cropping as a source of land for women was largely problematic. In her study, many share croppers complained about the arbitrariness of landlords in changing the terms of the tenancy at will, a situation made easy for them by the verbal nature of many of these arrangements (Duncan, 2004).

One important traditional channel for women to own land is the transfer of land as gifts from families or spouses. The important point here is that women have rights of disposal over such land. But evidence on the extent to which families take advantage of this option to give women control of land is lacking (Dowuona-Hammond, 2003). Furthermore, the practice is subject to land availability and the benefactor's personal wealth (Kotey and Tsikata, 1998). It appears that in most cases it is the contribution that a wife or female relative has made to the benefactor's wealth that prompts the gift of land, which supports the fact that this option is not generally available to everybody. The practice is therefore more commonly associated with export crop or other cash crop areas (ibid).

Other potentially more open channels offer women the opportunity to acquire land or to own it directly through purchase. According to Ruenger (2005), generally,

no formal laws or customs exist to prevent women from purchasing land if they have the money to do so. Although this opportunity exists, relatively few women can take advantage of it because of the costs involved and the need for already accumulated capital. Women's weak economic and social position tends to hinder their independent access to private freehold land, as evidenced by studies conducted on the extent of access of women to the title registration system (Dowuona-Hammond, 2003).

2.8.1 Property Rights of Spouses during Marriage and upon Divorce

Ghanaian law recognizes three different kinds of marriage: marriage under the Marriage Ordinance (127), Customary Marriage and Marriage of Mohammedans Ordinance (Cap 129).

It has been noted that one of the peculiar features of marriage under customary law is the concept of separateness of identity and property acquisition (Ofori, 2008). As a general rule of customary law, marriage has no effect on the property of spouses. The legal incidents of marriage under customary law permit couples to maintain their separate identities and are seen in theory as two separate individuals. The basis for this rule is the fact that even during marriage, the wife does not in a strict sense become a part of the customary family of the man and the converse is also true for the husband (Ruenger, 2005). This explains why she is precluded from laying any claim to her husband's lineage farms even in cases where she assisted to make improvements.

According to Ofori (2005), marriage is an inevitable course in life but the kind of insecurity faced by wives in this country has made marriage a regrettable journey that no one has to put his/her head into. Most of the women who suffer extreme poverty in Ghana are those who have either been cheated by unscrupulous husbands or denied of properties, which they had worked tirelessly with their

husbands for, upon divorce or upon the death of their husbands. This usually happens to women married under customary law especially those in the rural communities (ibid).

Generally, no problems arise in situations where parties acquire properties absolutely out of separate resources belonging exclusively to them (Fayorsey, 2003). However in cases where a spouse makes a form of contribution to the acquisition or improvement of the property of the other, the issue arises as to what beneficial interest must be given to her upon dissolution of the marriage. Currently, there is a lot of advocacy going on for legislation to be passed for the equitable distribution of property on the dissolution of marriage to give effect to article 20 of the 1992 Ghana Constitution which requires that Parliament shall enact legislation to regulate the property rights of spouses and states that spouses shall have equal access to property jointly acquired during marriages and that assets that are jointly acquired during marriage shall be distributed equitably between spouses upon dissolution of the marriage (Coker-Appiah and Foster, 2005; Ruenger, 2005).

2.8.2 Inheritance Rights of Women

In Ghana, women's land rights are significantly influenced by inheritance systems as well as tenurial arrangements and land use patterns (Kassanga and Kotey, 2001). One of the most important ways in which women acquire land is through inheritance both as wives and as daughters or sisters. However the hierarchical nature of rights and responsibilities over land and other property, which emerge as a result of gender-differentiated rights and roles, are skewed against women and girls in favour of men and boys (Ollenu, 1962; Kludze, 1988 cited in Ruenger, 2005).

By granting men and boys primary rights of inheritance of land and property, and granting women and girls user rights mediated through their relationship to men,

a situation of unequal power relations, drawn along gender lines, is entrenched in land tenure and production relations (Dowuona-Hammond, 2005).

In Coker-Appiah and Foster's advocacy for better implementation of women's rights in Ghana, they state that in patrilineal communities, that is, those communities who inherit through the male line, even though the children of the deceased are the ones to inherit, the real situation on the ground is that it is only the sons who inherited. The daughters were denied their share of such property because they were either married or would marry and therefore if allowed to inherit, the property would go to some other family. In situations where the children were very young when the father died, the property is given to a brother or other male relative of the deceased to manage until the children come of age. During this period, the successor is expected to look after the surviving children and their mother but there have been several instances where these successors have failed to carry out their obligations and by the time the children grow up, the property would have been mismanaged or totally dissipated (ibid).

Wives, under patrilineal law, were also not considered part of the husbands' families and here again were denied a share of the deceased's property as happened to wives under matrilineal law. In the case of wives under patrilineal system, it was thought that if her children, that is, sons, inherited the property, then she could have access to the property (Coker-Appiah and Foster, 2005). Again, the wife's contribution was not recognized nor taken into account. Customary law did not take into account the situation where the sons who inherited may not be the natural children of the surviving wife. In such a case, there is no guarantee that the wife would enjoy any of the property if there is no legal guarantee of the wife's right to the deceased husband's property (ibid).

These inequities in inheritance under customary law, informed the Government's decision to pass a uniform system of inheritance law to apply to all Ghanaians, irrespective of whether one belonged to a patrilineal or matrilineal family, the type of marriage contracted or one's religion (Duncan and Brants, 2004). The Intestate Succession Law, PNDC Law 111, which came into effect in 1985, made it possible for children, sons and daughters, as well as wives to inherit property of the deceased husband. In the same way, a husband, together with the children can inherit the property of a deceased wife (Ruenger, 2005).

Mensah-Bonsu, 1994 cited in World Bank, 1999 argued that even though the Intestate Succession Law seeks to offer more protection to women than customary law, its impact in enhancing the position of women with regard to inheritance rights has been limited by a number of factors. The ability of women to enforce their inheritance rights under the Intestate Succession Law has been hampered by factors such as high levels of illiteracy and ignorance of the law, high cost of enforcement of the law, interference by extended family, fear of extended family and limitations in respect of access to justice.

Duncan in her study on *Women in Agriculture in Ghana* noted that the Intestate Succession Law has been described as weak in its current form for the following reasons (Duncan, 2004):

- The law does not protect women who live in non-marital situations (*mpana aware* or common law relationships). Such women in many cases contribute significantly to the acquisition of property by their partners, but are denied any interest in the property of the partner because they do not qualify as a spouse under the law.
- The law does not address the position of childless widows who need more protection than widows with children in the sense that they will benefit in unequal proportions especially in the context of polygamous relationships.

- According to section 4 of the Law, the spouse and children will be entitled to the whole estate where it consists of one house. The section however does not cover situations where the estate consists of only one farmland. The law will therefore have to be amended to take into consideration and reflect agrarian situations (ibid).

It must also be noted that family land does not fall within the ambit of the Intestate Succession Law. Wives and children therefore cannot inherit family property, no matter their contribution to its development. Thus even though the farm may have been made by the nuclear family's labour, it is ownership of the land which determines its inheritance. Once the land was appropriated by a member out of the family's land it reverts to the family on his death. Ghana's PNDCL 111 has had limited impact, especially in the patrilineal communities of northern Ghana (Kassanga, 1995 cited in Bugri, 2008). This is due to the customary barriers to women's inheritance of land under the patrilineal system of land inheritance (ibid).

2.9 Gendered Economic and Social Benefits of Land Rights

Land ownership confers direct economic benefits as a key input into agricultural production; as a source of income from rental or sale; and as collateral for credit that can be used for either consumption or investment purposes (World Bank, 2005). However, women may not fully participate in these benefits as members of a household if they do not share formal property rights over the land; only independent or joint ownership can ensure that women have access to control over land-based earnings (ibid). Contributing to this debate, Alden-Wily (2000) agreed that formal rights to land for women can have an impact on intra-household decision making, income pooling, and women's overall role in the household economy.

Kimani (2008) argues that land is a particularly critical resource for a woman when the household breaks down, that is, for example, in the event of male migration, abandonment, divorce, polygamous relationships, or death. In both urban and rural settings, independent real property rights under these circumstances can mean the difference between dependence on natal family support and the ability to form a viable, self-reliant, female-headed household. Indeed, women's land rights within marriage may afford them greater claims on the disposition of assets upon divorce or death of the husband, as Fafchamps and Quisumbing (2002) cited in World Bank (2005) found to be the case in rural Ethiopia.

In addition to the direct economic benefits of land ownership, property rights may serve to empower women in their negotiations with other household members. Even beyond increasing bargaining power within the household, land rights may empower individuals to participate more effectively in their immediate communities and in the larger civil and political aspects of society (Cotula et al, 2006). From a gender perspective, facilitating women's greater participation in these extra-household institutions has both the value of diminishing male dominance of community-level making and the benefit of building up women's organizational skills, social networks, and social capital (FAO, 2002). Women with property rights are more likely to be active members of their communities, and as a result, community institutions themselves are more likely to be responsive to the needs of women (Bortei-Doku, 2002).

The benefits of secured property rights for women are depicted in figure 2.1 below. Women stand to gain economically from land based incomes through agricultural production and sales and also from land rentals and sales. They could also collateralise land to obtain credit for investment. Socially, women at the household level would enhance their bargaining powers, influence their preference

on investment and expectations and also old age security. The figure also shows that secured property rights for women would ensure their greater participation in community level organisation.

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Figure1: Please see attachment two for this!!!

According to Lucas and Stark (1985) cited in the World Bank (2005), in addition to the short- and medium-term economic gains generated by greater access to product, capital, and land markets, women with stronger property rights in land are also less likely to become economically vulnerable in their old age, or in the event of the death of or divorce from a spouse. Moreover, for widows, land ownership may be one of the few vehicles through which elderly women can elicit economic support from their children, either in the form of labour contributions to agricultural production or cash or in-kind transfers. In the absence of other forms of social security, the elderly rural population relies heavily on intergenerational transfers for their livelihoods; and children are more likely to contribute to their parents' well-being if the latter retain control over a key productive (and inheritable) resource such as land (Leonard and Toulmin, 2000).

On the one hand, there may exist multiple barriers to women's ability to translate formal land rights into the kinds of economic and social access discussed above, including gender-specific social norms that circumscribe women's economic activities and decision-making roles, as well as discrimination in the markets for land, labour, and capital. On the other hand, even where enhanced property rights do generate positive outcomes for women, these must be complemented by initiatives in areas such as education, reproductive health, and political representation in order to realize their full potential for reducing gender inequality (World Bank, 2005)

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CHAPTER THREE

RESEARCH METHODOLOGY AND STUDY AREA

3.1 Introduction

This chapter provides a narration of how the study was conducted. It presents the methods and tools used to collect the data that was used in this research. It also introduces and provides a description of the study area.

3.2 Materials and Methods

This project work is based on quantitative and qualitative data collected in some urban, peri-urban and rural communities in the Frafra traditional areas of the Bolgatanga Municipality and Talensi-Nabdam District of the Upper East Region, to study the rights of women to land in these predominantly patrilineal areas and how this affects their ability to access credit.

A participatory approach, which made use of a multiplicity of tools to gather the requisite information, was adopted to execute the study. The consultative phase of the study commenced with a series of meetings with my project supervisor to discuss and analyse the study methodology and a trial of the survey instrument. After the series of consultations a final methodology, assignment approach and data collection methods were drawn up. The key tools employed in this research study included, review of secondary data, direct observation, semi-structured interviews, individual/key informant interviews, and focus group interviews/discussions.

The study adopted an in-depth, comparative and exploratory design method to operationalise the research objectives and to execute the assignment. This approach divided the study into two elements: review of relevant literature on the subject of research and field data collection.

3.2.1 Review of Relevant Literature Documents

This involved a desk study of various documentary information in the libraries, published and unpublished materials and other internet source materials. The review and analysis of these documents provided the background and context for the study.

3.2.2 Field Data Collection

The data was collected using multiplicity of tools and these include the following:

- A survey Instrument (SI)
- Key Informant in-depth Interview (KII)
- Focus Group Discussion (FGD)
- Direct Observation (DO)

i. Survey Instrument (SI) - : A structured questionnaire was designed and executed on the field to selected respondents. The questionnaire had three-sections, made up of both open and closed ended questions based on the thematic areas that the objectives of the study sought to address. The ‘open’

questions allowed respondents to expatiate in-depth on issues they were addressing. There were two types of ‘closed’ questions: ‘yes/no’ questions with spaces for comments; and bounded questions which sought to measure respondents’ perception, level of satisfaction, degree of awareness, extent of knowledge, etc, on various elements.

ii. Key Informant in-depth Interviews (KII) - : This approach allowed the researcher to target key stakeholders, institutions and selected persons considered to be knowledge holders in the communities chosen on the basis of their origin from the communities, age, attachment to the community as perceived from their involvement in the community activities and those regarded as opinion leaders. A number of issues around the questions of the concept of land, land ownership, access and control by both men and women, land acquisition procedures and the attendant rights and practices relating thereto, women land rights and the relationship with their credit accessibility were isolated and further subjected to the interpretation of this category of people to gain a deeper insight into what they really mean in the Frafra traditional area.

iii. Focus Group Discussion (FGD) - : Under this, community level discussions were held with key focus groups including women groups, (farmers, basket weavers, sheabutter extractors, traders, etc), family heads and other opinion leaders, traditional authorities (chiefs and tendamba), Non-governmental organisations (Single Mothers Association, Widows and Orphans Ministry, Centre for Sustainable Development Initiatives, among many others whose activities relate to gender and women issues in the Upper East Region.

iv. Direct Observations (DO) - : In the course of the field work, the researcher made certain observations as he interacted with the local communities based on his local knowledge on certain matters relating to land. These supported in his ability to tease out issues for discussions whilst at the same time enabled the researcher to crystallise the perceptions he was able to draw from the various interactions and sessions within the communities on women's rights regarding land matters. Thus through these observances and employment of other tools he was better able to make informed opinions on what these portray.

3.2.3 Sampling Techniques

A sample of 30 communities was selected for the survey from both the Bolgatanga Municipality and Talensi-Nabdam District comprising 18 and 12 communities respectively and those in the Bolgatanga were categorised into urban, peri-urban and rural, whilst those for the Talensi-Nabdam were based on towns and villages. Besides, in the Talensi-Nabdam district 6 communities each were selected from the Talensi speaking section and the other 6 from the Nabdam.

To facilitate the analysis, a characterisation of the 30 selected communities covered had 70% or more of their inhabitants engaged in farming as a major occupation in the rural areas and the opposite was the case for the urban. The essence of this was aimed at investigating stakeholder groups that were representative of the Frafra traditional area. In the quantitative sample of stakeholders, Tindonmoligo had 5%, Yarigabisi 62% and Zanlerigu 98% of the stakeholders engaged in farming as a major occupation. These communities were, therefore, selected as examples of the more urban, peri-urban and rural communities respectively for the analysis and presentation for the findings.

In the selection of respondents for the qualitative data collection, the purposive and snowball sampling methods were utilised for the conduct of both individual and group interviews on the target customary authorities (tendamba and chiefs), family/household heads, various categories of women (widows, married, unmarried, divorced, etc), non-governmental organisations (NGO's), opinion leaders farmers, etc. A list of confirming questions was designed for respondents prior to the conduct of the actual qualitative interviews. The rationale for the confirming questions was to ensure that sampled communities and the individual respondents were representative of the Frafra traditional area and suitable for the provision of relevant data for the investigation.

The quantitative survey, on the other hand, used women which constituted 60% of the sample size of 450 respondents as the main target group for the investigation randomly selected from the 30 selected communities. The import for the more female respondents was to have them tell their own story about their rights in land and how the customary system of patrilineal inheritance has affected them.

Table 3.1 below presents a matrix of the 30 sampled communities used for the study. It can be seen that in the Bolgatanga Municipality and Talensi-Nabdam District, 18 and 12 communities were selected respectively. Those in the Bolgatanga were categorised into urban, peri-urban and rural, whilst those for the Talensi-Nabdam were based on towns and villages. Besides, in the Talensi-Nabdam district 6 communities each were selected from the Talensi speaking section and the other 6 from the Nabdam.

Table 3.1 Survey Sampling Structure

Table 3.1 Survey Sampling Structure								
	Bolgatanga Municipality			Talensi-Nabdam District				Total
				Talensi section		Nabdam section		
	Urban	Peri-urban	Rural	Town	Village	Town	Village	

Number of Communities	6	6	6	3	3	3	3	30
Number of Respondents	90	90	90	45	45	45	45	450

Table 3.2 below too depicts the distribution of focus group members disaggregated by gender. In total, 112 focus group members were interviewed for the study, made up of 60 (54%) females and 52 (46%) males. It is worth noting that in each of the two study districts, 3 focus group discussions were held. In the Bolgatanga Municipality, one FGD each was held in an urban community, a peri-urban and a village. In the Talensi-Nabdam District, two FGD's were held; one in the town and the other in a village.

Table 3.2 Distribution of Focus Group Members

District	Male	Female	Total
<u>Bolgatanga Municipality</u>			
Tanzui/Zorbisi (Town)	9	16	25
Dulugu/Yarigabisi (Peri-urban)	14	12	26
Anateem (village)	12	9	21
<u>Talensi-Nabdam District</u>			
Tongo (Town)	17	13	30
Zanlerigu (Village)	-	10	10
Total	52	60	112

Table 3.3 List of Key Informants

Key Informants	Male	Female	Total
Banking/Financial Institution	3	1	4
Local Chiefs	5	-	5
Tendamba	6	-	6
NGO's	-	4	4
Deed Registry	1	1	2
Female House Owners/Heads	-	7	7
Total	15	13	28

Table 3.3 above shows the list of key informants by occupation/profession disaggregated by gender. A total of 28 key informants were interviewed, made up of 15 (54%) males and 13 (46%) females.

In total, 620 respondents took part in the study. They were comprised of 450 questionnaire survey respondents; 112 focus group members; and 28 key informants. This is shown in the table below.

Table3.4: Total List of Respondents

Districts	Questionnaire Survey Respondents	Focus Group Members	Key Informants
Bolgatanga	270	72	19
Talensi-Nabdam	180	40	9
Total	450	112	28

3.3 Profile of the Study Areas

The Bolgatanga Municipality and Talensi-Nabdam District put together form a greater part of the Frafra Traditional area and are also two of the nine administrative districts in the Upper East Region. A profile of the two districts in the area of geographical, economic, socio-cultural and environmental characteristics are presented below.

3.3.1 Bolgatanga Municipal Area.

3.3.1.1 Location and Size

Bolgatanga Municipality is located in the centre of the Upper East Region, and is also the regional capital. It has a total land area of 729 sq km and is bordered to the North by the Bongo District, South and East by Talensi-Nabdam District and Kassena-Nankana East District to the West.

3.3.1.2 Demographic Characteristics

The population of the municipality is 122,646 with a growth rate of 1.1%. This is lower than the national rate of 2.7%. The population density is 141.2 persons per sq km. This is far greater than the national density of 79.3 persons per sq km. The

distribution of the population in terms of age is as follows: 0-15years is 47.7% (70,467); 15-65years is 50.8% (75,046) and 65+ years is 1.5% (2,216), Whilst the sex distribution is as; male 49% (72,387) and Female; 51% (75,342) (Source: Bolgatanga Municipal Assembly (BMA)).

On the issue of housing and settlement, there are about 213 communities in the municipality. Bolgatanga Township has a population of 72,768 and it is the 18th biggest human settlement in the country. There are 3,932, houses in the township with 10,081 households. Average household size is 4.5

3.3.1.3 Climate and Vegetation

The climate is classified as tropical and has two distinct seasons – a wet season that runs from May to October and a long dry season that stretches from October to April; with hardly any rains. Mean annual rainfall is 950mm while maximum temperature is 45°C in March and April with a minimum of 12°C in December. The natural vegetation is that of guinea savannah woodland consisting of short deciduous trees widely spaced and a ground flora, which gets burnt by fire or scorched by the sun during the long dry season. The most common economic trees are the sheanut, dawadawa, baobab and acacia. The municipality has a forest reserve, which primarily protects most of the water bodies in the area.

3.3.1.4 Topography and Drainage

The municipality has gentle slopes ranging from 1% to 5% with some isolated rock outcrops and some uplands which have slopes over 10%. It falls within the Birimian, Tarkwaian and Voltaian rocks of Ghana. There is ample evidence of the presence of minerals especially gold in certain areas of the municipality.

3.3.1.5 Micro Economy

According to a census publication from Statistical Service dated November 2009, agriculture accounts for as much as 57% of the labor force, trade and commerce

19%, manufacturing (mainly handicrafts) 11.92%, community/social services and others like mining, construction and utility service is 7.4%.

The Municipality has a total land area of 729 square km and 70% of this (51,030 ha) is cultivated. Eighty percent (80%) of the population are peasant farmers. There are 14,145 agricultural households and with an average of six persons per household and average land holdings of between 1.0 and 3.0 ha.

There are a few dams and dugouts and the municipality is basically dependent on rain fed agriculture. The problems militating against agricultural development in the municipality include the following:

- Short and erratic rainfall pattern marred by dry spells and peak seasonal floods
- Inadequate feed and water for the animals during the long dry season which cause loss of weight and poor reproductive performance of females.
- Prevalence of pests and diseases of both crops and livestock.
- No improved housing and inadequacy of improved breeding stock of livestock.
- Livestock rearing is not seen as a business.
- Fish farming is a new concept to farmers.
- Inadequate water bodies in the municipality. Most of the existing water bodies dry up during the long dry season.
- Declining soil fertility levels of the existing nutrient-deficient soils.
- Bush burning and indiscriminate cutting of trees.
- The seasonal migration of the youth from the rural areas to the urban areas.
- Unfavourable market conditions.

- Underdeveloped access roads to food producing areas.
- High population density.

In order to feed this population adequately and be able to get extra produce for export, the above-mentioned problems must be addressed in order to ensure an accelerated agricultural development in a sustainable environment.

The crops mostly cultivated by farmers during the rainy season are cereals (millet, sorghum, rice, maize), legumes (groundnuts, cowpea, soyabean, bambara beans) and vegetables (tomatoes, pepper, okro, leafy vegetables). The main farming system in the district is rain fed mixed cropping. Crop mixture is mostly cereal-cereal but occasionally a cereal-legume mixture.

Dry Season Farming

The Vea Irrigation Project makes available about 637.5ha of land for irrigated farming. In addition to this, there exist about seven (7) small-scale dams having a total irrigable land area of 78ha. Apart from the irrigable land area provided by the Vea and the small-scale dams, there exist a potential for water pump irrigation along the banks of the White Volta. At the moment, a total land area of about 400ha is being utilized even though another 500ha are available for irrigation (credit: Bolgatanga Municipal Assembly)

Livestock and Poultry Production

Livestock and poultry rearing is the second most important feature in agricultural development after crop production. Almost all farmers are engaged in the rearing of at least one type of livestock and poultry. Apart from supplying the protein needs of the people, it is also a very good source of income for farmers especially when there is crop failure.

It must however be noted that rearing of livestock and poultry is not normally done as a business activity in the villages. All the livestock and poultry being reared

are normally left on free range. The intensive system of rearing is practiced on a very small-scale mostly in the Bolgatanga Township.

Handicrafts

The handicraft industry in straw baskets and hats, leather tanning, leather bags and hats, smock weaving etc. have done more than any other economic activity to put the municipality's name on the world tourist map.

To all intents and purposes, it is the most important single source of cash earnings for the people of the settlements near Bolgatanga such as Zaare, Dulugu, Sumbrungu, Zorbisi, Zuarungu, Kalbeo, and Nyariga among others. Most of the straw and leather products are either exported to other parts of the country or abroad particularly Western Europe and North America.

Productivity in the straw and leather works appears to be higher than in compound farming but most people tend to engage in them only during the dry season. Another problem that hinders the industry is the ever-dwindling supply of local straw, which can be traced mainly to bushfires and the long dry season. Consequently straw has to be imported from the South making the cost of production higher.

There have been several interventions in the form of micro-credit financing in the handicraft industry by Non-Governmental Organizations, such as the Star of Hope International of Sweden in the past five years.

Tolls and fees from the export of straw and leather products contribute significantly to the internally generated revenue of the Municipal Assembly. Other handicraft products produced in the municipality include hoes, knives, and pots. Most of these are used locally and the hoes in particular serve as the most important tool of peasant farmers.

3.3.2 Talensi-Nabdam District

3.3.2.1 Location and Size

The Talensi-Nabdam District is one of the newly created districts, carved out from the then Bolgatanga District Assembly. It has its capital at Tongo. It is bordered to the North by the Bolgatanga Municipality, South by the West and East Mamprusi Districts (both in the Northern Region), Kassena-Nankana East District to the West and the Bawku West District to the East. The district lies between latitude 10° 15' and 10° 60' north of the equator and longitude 0° 31' and 1° 05' west of the Greenwich meridian. It has a total land area of 912 km².

3.3.2.2 Demographic and housing characteristics

The population of the Talensi-Nabdam District is 100,879 of which 50.04% is female and 49.6% male. The comprehensive and disaggregated figures for the entire population of the District are therefore presented in terms of figures pertaining to communities in the Table below.

The table below shows the available figures on the population.

Table 3.5: Population Characteristics

TOTAL POPULATION SIZE	MALE	FEMALE	GENDER RATIO		POPULATION DENSITY
100,879	50,014	50,865	49.6%	50.4%	110.6

Source: Talensi-Nabdam District Assembly

As in the case of the population, data on the housing situation was also extrapolated housing information that comprised the then Bolgatanga District. The information on the Talensi-Nabdam District was generated by gathering figures associated with communities that form the Talensi-Nabdam District.

Table 3.6: Housing Characteristics.

TOTAL NO. OF HOUSES	TOTAL NO. HOUSEHOLDS	AVERAGE HOUSEHOLD SIZE	NO. OF PERSON PER ROOM OCCUPANCY
8,839	16,375	6	4 - 5

Source: Talensi-Nabdam District Assembly

Generally the Housing conditions are poor and many houses lack the necessary facilities, such as toilets and bathrooms. The building materials used in the construction of houses include swish, sun-dried bricks and sandcrete blocks with thatch or corrugated sheets. Most of these buildings have visible structural defects such as leaking roofs, cracked and dilapidated walls, among others. However, there are some few well designed and engineered sandcrete and landcrete buildings.

3.3.2.3 Climate and Vegetation

The climate is classified as tropical, and has two distinct seasons, a wet rainy season, which is erratic, and runs from May to October, and a long dry season that stretches from October to April with hardly any rains. The mean rainfall ranges between 88mm-110mm but with an annual rainfall is 950mm. The area experiences a maximum temperature of 45°C in March and April and a minimum of 12°C in December. The vegetation is guinea savannah woodland consisting of short widely spread deciduous trees and a ground flora of grass, which get burnt by fire or the scorching sun during the long dry season. The most common economic trees are the sheanuts, dawadawa, baobab and acacia. The district has three gazetted forest reserves covering a total area of 455.2km².

Table 3.7: Gazetted Forest Reserves.

Forest Reserves	Date of Reservation	Total Area Km ²	Ownership	Objective of management
Red Volta West	1956	261.55	Held in trust for Tongo, Sakoti, Nangodi and Bongo traditional skins.	To ensure permanent supply of forest products, firewood, fruit, etc.
Tankwiddi East	1956	193.214	Held in trust for Talensi and Bolga traditional skins.	To ensure permanent supply of forest products, including poles, firewood, fruit and areas
Nyokoko	1954	0.40	Forest services division	To conduct experiment with the aim of determining the silviculture characteristics of the indigenous and exotic species and the most efficient economic method of creating plantation on Birimian soil.

Credit: Talensi-Nabdam District Assembly

The population which is predominantly rural depends on the forest reserves for their livelihood. They depend on it for both their domestic and commercial needs. The

small timber poles and rafters from the forest are used for building homes and sources of traditional energy among others.

Also forest products such as fuel wood and charcoal are an important source of income for many people. Most especially, with the increases in the cost of LPG and electricity tariffs, the biomass fuel industry has boomed and the export of firewood and charcoal to urban towns has become very lucrative.

3.3.2.4 Topography and Drainage

The topography of the district is dominated by relatively undulating lowlands, gentle slopes ranging from 1% to 5% gradient with some isolated rock out crops and some upland slopes around the Tongo and Nangodi areas. It falls within the Birimian, Tarkwaian and Voltaian rocks of Ghana. There is evidence of the presence of minerals especially gold. The district is drained mainly by the Red and White Volta and their tributaries.

3.3.2.5 Micro Economy

The main source of employment is from Agriculture, through which about 90% of the population attain their livelihood. Other activities undertaken by the people are livestock rearing, poultry production, fuel wood extraction, food processing and mining.

Table 3.8: Structure of Micro Economy

SECTOR	ACTIVITIES/CATEGORY	STATUS
Primary	Agriculture (Crop, Poultry and Animal production) Extraction of fuel wood, Fishing and Hunting, Small scale mining and Quarrying	High
Secondary Formal	<ul style="list-style-type: none"> - Tomato factory (temporarily not operational) - Quarries (industrial) - Cotton ginnery - Agro – Processing 	Medium
Informal	Light industries (metal fabrication and Repairs, auto-mechanical works, painting, block work and electrical works. Handicrafts - Zana mats, smock sewing, carving and yarn production	
Tertiary Formal	Private Services Transportation, Telecommunication, Electricity and Tourism	Low

Informal	Transportation, Trading, Dress making, Hairdressing, Hospitality and Tourism	
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The District has a dominant primary sector which serves mainly as the backbone of the economy. The secondary sector is dormant and is organised into a formal and Informal sub sectors. The tertiary sector which is also just beginning is weak and can be observed as formal and informal sectors. The weak links between the Primary and secondary sectors have made economic activities sluggish.

3.3.2.6 Extractive/Primary Sector

Agricultural plays the major role in the local economy and employs about two-third of the labour force and accounting for about 75% of the local GDP. All economic activities also depend on it.

The sector serves as the source of food crops, which comprises cereals, legumes and vegetables. Livestock and poultry rearing is also an important feature here as most of the people are noted to engage in rearing cattle, goats, sheep, pigs, etc. The animal production here is basically on small scale as the animals and poultry are left on free range

The quarrying that is carried out in the district is of two kinds, the industrial quarrying that uses igneous rocks to produce granites and marbles and other aggregates like chippings and dust on one hand and the artisanal stone quarrying that also produces stones for the construction industry.

Sand and gravel winning is also another activity seriously undertaken in the district. Similar to the above industry is the surface mining activities carried out in the district, the operation of which is unorganised, crude and a threat to the environment. However, it is noted as a very viable source of employment and revenue and for that matter, the assembly has recognised it as a sector to promote while taking steps to ensure environmental quality.

The Assembly has however continued to involve farmers, rural communities, landowners, contractors' local institutions and NGO in the design and implementation of environmental management programmes.

Environmental Issues

The District is endowed with natural resources, such as forest, gold, arable land, mountains, hills, and wildlife. Human activities in the utilization of these resources have resulted in environmental problems that are detrimental to the survival of the ecosystem.

The district is located in an area where soil is predominantly light in texture on the surface horizon, with low inherent fertility due to the deficiency in organic matter contents and other nutrients. For this, the soil is generally susceptible to erosion with the associated declining fertility.

Besides the natural factors which have accounted for the low fertility of the soils in the District, human factors have contributed immensely to impoverishing the soil. High on the list of the negative human practices are bush burning, degrading the land through sand and gravel wining and small scale mining activities undertaken largely across the district.

The visible effect of human activities are therefore the inevitable cause of dry land issues such as the loss of soil fertility, deforestation, reduction in soil resilience, land degradation, soil erosion, siltation of water bodies and the seasonal water shortage arising from human encroachment in the forest and marginal lands.

3.4 Financial Institution's Activities in Study Area

The financial institutions operating in the study area are all concentrated in Bolgatanga, the capital of the Bolgatanga Municipality and also the Upper East

Region. Table 3.9 below shows all the financial institutions operating in the study area, and the various products/services they offer to the public.

Table 3.9: Financial Institutions Operating in the Study Area

No	Name of Financial Institution	Products/Services	Year Established
1	Ghana Commercial Bank Ltd (GCB)	Loans, Savings, Investments, Debt Cards, Credit Cards, Mortgages, Checking, Money Transfer, etc	1967
2	Agricultural Development Bank Ltd (ADB)	Loans, Agricultural Credit, Corporate Banking, International Banking, Commercial Banking, Personal Banking, Money Transfer, etc	1972
3	SG- Social Security Bank Ltd (SG-SSB)	Loans, Checking, Savings, Investments, Debt Cards, Credit Cards, Money Transfer, etc	1975
4	National Investment Bank Ltd (NIB)	Loans, Savings Account, Overdraft Facilities, Cash link ATM, Corporate Banking, Investment, etc	1978
5	Barclays Bank Ghana Ltd (BBG)	Personal Banking, Corporate Banking, Securities Services, Treasury Services, etc.	2005
6	Stanbic Bank Ghana Ltd (SBG)	Personal Banking, Investments, Corporate Banking, Commercial Banking, Money Transfer, etc.	2007
7	Naara Rural Bank Ltd (NRB)	Savings and Current Accounts, Fixed Deposit Account, Apex Link Money Transfer, Micro finance, Loans, etc	2001
8	Builsa Community Bank Ltd (BCB)	Savings and Current Accounts, Fixed Deposit Account, Apex Link Money Transfer, Micro finance, Loans, etc	1998
9	Sina Pi Aba Trust Financial Services (STFS)	Individual Loan Products, Small Enterprise Loans, Sinapi Special Agricultural Loan, etc	2006
10	Bayport Financial Services (BFS)	Loans and Overdrafts for only salary workers.	2003
11	Sungrepaana Financial Services (SFS)	Susu Schemes, Micro finance, loans, overdrafts, etc.	2008

Source: Field Survey

CHAPTER FOUR

DATA ANALYSIS AND DISCUSSIONS

4.1 INTRODUCTION

This chapter examines the data obtained from the field in line with the research questions in order to understand its parts and its relationship and to discover its trends and relations and present in descriptive analysis and in some cases tabulations with frequencies and simple percentages.

4.2 Nature of Land Holding Relations within the Customs of the Frafra Traditional Area

Traditionally, the Frafras see land as a source of power, authority and identity to the community, clan and family as well as the individual. Land is generally conceived by most people here as a spirit/god that must be revered and sacrificed to by its “owners” through the Tendana (land priest). In the quantitative sample of 450 respondents, 288 (64%) of them espoused to this conception about land. Land is also conceived by some people in the area as a means of production bestowed on mankind by God as a source of livelihood and not to be destroyed nor sold. Land is traditionally preserved through the creation of sacred groves and ancestors’ pathways by way of regulations tend to provide entry restrictions into certain forests and rivers which require one to get the consent and have certain rituals performed by the Tendana before one could cut a tree or take soil for construction purposes.

Customarily, land could be accessed, acquired and owned among the frafras in the past by first settlement and by gift or grant from the landowning family. Land could also, however, be battered for cattle or pledged for cattle taken for dowry on

promise by the pledgor to replace the cattle and redeem the land in future. Lands were not sold in the past and it was a taboo to sell land. There was a belief that because land is a spirit anybody who exchanged land for money will not live long. Responses from the field discussions however, indicated that modernity, urbanisation and high population growth have led to commercialised exchange system and formalised land transaction and this have allowed sale of land to enable impoverished landowning families or individuals to raise money for funerals, traditional marriage requirements and to support their livelihoods. “Hunger is our main problem as harvest is often so bad that we can hardly feed ourselves until the next harvesting season. The animals that we used to rear are no more; hence the only way we can get money is to sell our lands” (Ayine Adaam; qualitative interview).

In order to gain a better insight into the nature of land relations pertaining to men and women in the nature of access, control and inheritance rights, it was deemed appropriate to understand the categories of land held in the traditional area and the customary rules governing their usage. It was revealed from the field discussions that there were three categories of land held by families under the custom of the Frafras. These are the “samane”, “vartor” and “buor” lands.

The first type refers to the family land and is commonly found around the family compound houses. It is mainly used for guinea corn and millet cultivation. Manure generated from animal droppings and other materials within the household is used to fertilise this land. This is mostly the ancestral land that has been handed down from several generations. The “samane” lands are also of two types depending on the type of inheritance system applicable to them. The first type known as “kovaarega” or “Dabozuo koa” is that type which passes on from the most senior family head to the next. This type of the “samane” land is said to be the first land where the ancestors of the family built their first house and farmed on. The other

category of the “samane” land which even though does not have a common name but referred by some people as “Soh-koa” is that land which is inheritable by the surviving sons of a deceased man. It is worth noting that most of the responses from the qualitative survey agreed that the “samane” lands are not easily accessible to women partly due to the customary importance attached to them and also the kind of crops (guinea corn and millet) required to be planted on them which requires much energy to weed which women do not have. Some widows may however be allowed the use of this type of land inherited from their deceased husbands until their male sons become of age but largely, it is this category of land that is normally taken away from widows by the next family head. It was clear from some of the group discussions that in some of the communities, widows that do not have children or have only girls are sometimes dispossessed of this type of land by brothers of the late husband. The reason given for this action is that neither the widow nor the daughters is allowed by custom to inherit.

The second category of the customary lands held by the frafras known as the “Vartor” lands are those farm lands created out of the bush land by an individual or a family due to increasing family sizes or depletion of soil nutrients in the “samane” lands. These farmlands are mostly located far from the house and are basically used for the cultivation of groundnuts, millet or rice. These farmlands are created with permission from the Tendana who will survey the area under request to ensure that it does not fall within the route of the land gods (tengane) and ancestral spirits. These lands are also inheritable by the children upon the death of the man.

The third category of lands that can be held by families in the traditional area which is known as “Buor” is that vast stretch of land or reserved land traditionally under the custody of the Tendana. It is mostly a pasture land and serves as communal grazing grounds for animals and houses are not built here (Tindaan Zabakae;

qualitative interview). The “Buor” lands in most of the communities have been encroached by families and individuals and turned into farmlands due to dwindling farm sizes on the “vortor” and “samane” lands due to increasing population.

It is worthy to state that the “vartor” and “Buor” lands are the only category of lands that women have access to for farming purposes. Besides, widows and unmarried daughters can inherit these lands from a deceased husband or father and continue with the farming activities with the consent and approval from the tendana or the person that made the initial grant.

The qualitative study further revealed a distinction between clan/family lands and personal/individual lands and the customary rules governing them. With the clan/family lands, the customary practice is that the head of the clan or family cultivates the land around the family house. Upon his death, the next clan head who is either the most senior surviving brother or nephew takes over custody of the land and farms on it. Even though the clan land can be apportioned among the various family units, the same principle of seniority applies and such lands are not considered as personal property and cannot therefore be inherited by wives or children.

Concerning the personal or individual land, customary rules defines two situations. In the first instance, the senior son upon the death of the father takes custody over the land on behalf of the rest of the siblings. If the deceased was not married and had no children then the elder most among his siblings who performed the funeral takes over the land. Even when it is a younger brother who provided resources for the funeral, customary rules requires the senior most surviving brother to take over the land.

The second instance is where a man dies and leaves behind a widow with no children, then in that case the widow takes over the use of the late husband’s land on

the grounds that she remains in the family and chooses another man within the clan when she desires to have another man. A male child brought forth whilst she remains in the late husband's house will inherit the land when he becomes of age. This is because the boy will be recognised and accepted as the son of the mother's late husband. If the widow however delivers a girl, then she has no property to inherit in the family, even though she is equally named after the mother's late husband. The reason is that she is expected to get married.

Under both family and individual land ownership, the custodian of the land has a responsibility to farm on the land and produce food for the family. He is also required to provide fowls, flour and brew pito for sacrifices to the ancestral gods at the end of every harvesting season. This ceremony is called "Ndaakoya" among the Gurune speaking Frafras (John Ayeremoah Atule, Acting Tendana of Tindonmoligo; qualitative interview).

4.3 Women's Landownership, Access and Use Rights

Based on the dominance of patrilineal system of inheritance in the study area, it has been argued by Nyari (2001), Millar (2002) that women are disadvantaged in terms of ownership and access to land. However, according to Bugri (2008) there seem to be changes in the patrilineal system of land inheritance as a lot more women could own land for farming and building purposes with some level of similarities existing in both male and female land access.

On this premise, it was deemed relevant to ask the various categories of women (married, unmarried, divorced and widowed) about the nature of rights they have in land and how this has impacted on their credit accessibility. Out of 265 women covered under the quantitative survey, only 64 (24%) of them agreed that women could own land as their personal properties in their communities whilst 201 (76%) answered that women could not own land. Higher proportion of 161 (87%) of

the sample of 185 males agreed that women do not own land as their personal properties in their communities and only 24 (13%) responded to the contrary. An examination of the respondents showed that most of those saying women could not own land came from the rural areas where the customary rules and practices that actually do not support women's land ownership still have much influence. Some of the reasons advanced for this phenomenon, among others include the fact that women do not perform sacrifices to ancestral gods, hence cannot inherit ancestral lands and also customarily, women do not enjoy any land inheritance (a major source of gaining ownership to land in the area) compared to their male counterparts because daughters are expected to marry and wives too would be housed and fed by their husbands. This position was re-echoed by Abass Gorog (qualitative Interview) that "women whether married or unmarried are to be fed by their husbands or brothers and therefore do not have to own land". However, those that agreed that women could own land explain that with the advent of land sales, women with money could purchase their own lands. Also widows could inherit and hold their deceased husbands' lands in trust for their sons until they become of age.

It must be noted that even though customary practices may be inhibiting women's rights to land ownership in the Frafra traditional area, the situation is better in the urban and peri-urban areas as there is an increasing trend of more women gaining landownership through purchase and registering at the Deed Registry, Bolgatanga, as depicted in table 4.1 below.

Table 4.1 Registered Land for Male and Female in the Upper East Region for the period 2006 to 2010.

Applications	2006	2007	2008	2009	2010
Male	108	217	262	258	280
Female	29	51	86	102	121
Total	137	268	348	360	401

Source: Deed Registry, Bolgatanga

The figures presented in Table 4.1 above suggest that there is a steady increase in women's landownership through purchase as per the records from the Deed Registry. From a total figure of 137 registered land in 2006, 29 were for women and this number, over a five year period increased to 121 in 2010. This means that between the five year period, the number of registered land for women increased by over 317%.

The survey also found that women do not have unfettered right to build or own a house depending on the kind of house or where it is to be constructed. Even though from the 450 quantitative respondents, 297 (66%) indicated that a woman could build or own her house; this was only common in the towns and urban areas where modernity has weakened customary rules against that. This was also possible in some rural areas on condition that the house would not be the traditional type and should be built in the name of the husband or the family. In most of the communities it was generally agreed by most of the respondents that women, whether married or unmarried could only build rooms or a compound attached to the main family house and not as a separate entity. For the 153 (34%) respondents who argued that women could not build their own houses advanced the following reasons among others for this position:

- Traditionally, women cannot be landlords as they are not permitted to perform sacrifices to their ancestral gods;
- Women are suppose to be under the ownership and control of men, hence cannot build their own separate houses;
- Houses in the traditional area are identified by naming them after their owners, but customarily houses are not to be named after women.

The results of the 450 quantitative sample on the modes of accessing land by women for farming and building purposes are shown in Table 4.2 below.

Table 4.2: Modes of Accessing Land by Women for Farming and Building Purposes.

Land Access	Percent	
	Farmland Yes	Building Land Yes
Inheritance	35%	72%
Family Grant	64%	57%
Share Cropping	25%	-
Pleading (License)	56%	15%
Purchase	0%	60%
Other	16%	12%
Total	n = 450	n = 450

Source: Field Survey

The results on table 4.2 suggest that women's greatest mode of access to land for farming is through grant (64%) from the family, thus either from brothers or husbands and that for building is through inheritance (72%) most of which arises from widowhood especially when the children are still young. Also 56% of the respondents indicated that most women who are unable to access land from their families (due to dwindling family land sizes) may either personally or through their husbands or brothers approach people who have enough farmlands outside their immediate houses (vartor) and plead for portions to farm.

On the question of the level of women involvement in decision-making concerning land, out of the 450 respondents from the quantitative sample, 387 (86%) agreed that women are not involved in any way in taking decisions on land such as transferring interest in land through sale or grant or other land use decisions. It is worth noting that even the 63 (14%) respondents that agreed women take part in decision-making on land in their families, specified that it was only elderly women who may have peculiar knowledge about the history of the family land that are consulted or briefed after the decision has been taken by the men.

Some of the reasons given for not involving women in taking land decisions include the fact that women do not have any ownership right to land in the traditional area as prescribed by custom because they are perceived as non members of the family and do not have full knowledge about the history of the family and its lands.

Also women are not allowed according to custom to sit with men at the frontage of the house where men usually sit to take decisions. Any time serious family consultations or important discussions such as concerning the death of a family member or other issues are to be made by our men in front of the house, women are normally made to go to the back of the house or climb to sit on top of the swish flat roof towards the rear of the house to ensure that they do not eave-drop on what is being discussed out there (Lograna Zaato, a widow in Nangodi; qualitative Interview). Important matters like death of a family member, dispute on land, theft cases, among others are referred in the local parlance as “zagnore yella” meaning matters that require the decisions of only men.

4.3.1 Land Relations in Women’s Natal Home

Women in accordance with the tradition of the Frafras, generally do not have primary right of ownership and control of agricultural land in their natal homes. Even though there was general response from the qualitative interviews that women do not have access to farm lands especially those nearer to the homes, majority of the responses in the quantitative survey showed that daughters or unmarried women do not have difficulty accessing land for the cultivation of groundnuts and rice. From the quantitative survey, 342 (76%) of the respondents indicated that unmarried women (daughters) can gain access to land for farming through family grant from their brothers in the “vortor” lands upon request. In situations where the family land is insufficient, a woman with the help of the brother can contact any person with enough land and make a plea to be given the license to farm on the land.

The study revealed that unmarried women in the natal homes do not have access or right to build or own a house in the traditional area as compared to their brothers. It was however, gathered from the qualitative interviews that even where unmarried women are granted permission to build, this is mostly done as a sub-

compound attached to the family house. The import of this customary restriction on women is to discourage them from not marrying to bring forth children who do not have the right to inherit anything in the natal home. Such children are referred in the local parlance as “Tabia” which means “sister’s child”.

There are however some exceptional cases in the urban areas such as Bolgatanga and Tongo where it was evident that unmarried women have built or own houses. This is due to the breakdown of customary laws and the relatively better economic condition of such women in the urban centres.

Also an unmarried woman can have access, control and ownership of land and building if only she has no male sibling and she is asked by the ageing parents not to marry but stay back in the house as “man” to take care of them and hopefully bring forth a male child to perpetuate the family name and lineage. Under this customary practice commonly known as “Tazaba”, which literally means “sister-in-bed”, a daughter is allowed to have a male friend from a clan or family which ancestral line do not sacrifice to the same gods with hers. In this instance, when she brings forth a male child, such male child would be named after the maternal grandfather and the woman maintains control, use and ownership of the land until the child becomes of age.

In polygamous homes, lands may be shared among the widows survived by a man to hold in trust for their children. An unmarried girl in such a natal home will have a right to inherit that portion of the father’s land given to her mother if she is the only child of the mother.

Results from the discussions and interviews conducted also established that married and divorced daughters customarily do not have any right to land in their natal homes. In some of the communities however, it came out that divorced daughters may only be allowed the use of land for agricultural purposes.

Table 4.3 below shows results on the sampled 450 respondents from the quantitative survey on the question: which of the following rights can an unmarried woman in this community exercise on land in the natal home?

Table 4.3 Rights of Unmarried Women to Land in the Natal Home

Type of Land Right	Percent	
	Unmarried Yes	Divorced Yes
Use Right	93%	56%
Ownership Right	12%	0%
Control Right	29%	0%
No Right at all	8%	69%
Other	0%	0%
Total	n = 450	n = 450

Source: Field Survey

The results on table 4.3 above suggest that 93% and 56% of the respondents indicated that unmarried and divorced women respectively have use rights to lands in their natal homes. This means that women in their natal homes may be granted land for farming purposes but there is no security in such grants since such lands could be taken away by their brothers at anytime the need arises. Even though no respondent indicated that divorced women could exercise ownership and control right over land in the natal home, some agreed that for unmarried women, they could exercise such rights in their communities. Divorce is customarily frowned upon and daughters that are divorced are reluctantly accepted back with very limited rights in the house relative to unmarried women. These specifically refers to those unmarried women with no male siblings and have been requested not to marry, they can assume the ownership and control of the father's land when he dies until their male children become of age to take over such lands. The information provided by the table also depicts that 8% and 69% of the respondents indicated that unmarried and divorced women respectively do not have any right in land in their communities. The reason for this is that daughters would strongly be encouraged to marry so that they do not

stay back home to bring forth unwanted children who by custom have no inheritance in the Frafra traditional society (Nbelyine Nbugri; qualitative interview).

It was also revealed that women in their natal homes, whether unmarried or divorced do not have the right to collect nuts from trees like shea and dawadawa (important economic trees) on the family lands but are only allowed the enjoyment of the fruits. Shea trees on family lands are only accessible to married women within the families who are permitted to collect the nuts in turns on daily basis either per individual woman or on the basis of each compound depending on the number of shea trees the family has. In those communities where they have shea and dawadawa trees in the bush or vacant lands, the unmarried and divorced too have the right to go and collect the nuts just like any other woman.

The rationale behind this discrimination as obtained from the discussions and interviews is that unmarried women and the divorced do not have husbands and children within the families for them to care for. The essence of all these are just to discourage women from not marrying. It must be noted that in accordance to Frafra custom, men are not suppose to collect nuts from trees because that is the preserve of their wives.

4.3.2 Land Relations in Women's Marital Homes.

Married women are considered as supporting hands to their husbands on their farms and therefore mostly expected to help their husbands before tackling their own farms. A husband can, however, give a portion of his farmland to the wife for cultivation of groundnuts or rice but not staple crops like millet and guinea corn which is regarded traditionally as male crops (the only crops planted around the compounds and also used in performing sacrifices to ancestral gods). It is therefore very uncommon for a married woman to have her own farm of millet or guinea corn.

Women have no control over harvested millet and guinea corn and would always have to request from their husbands to be supplied with some for cooking. It is customarily forbidden for a woman to enter into a barn and fetch farm produce herself. Even in polygamous families the man has to ration the farm produce to the various wives in turns from a central barn where all the family's millet and guinea corn is stored. The women can however exercise ownership right over the groundnuts and rice harvested from the portions of farmlands given to them by the husbands.

Women in their marital homes have unfettered access to land (“varto and buor”) for farming but that for housing is somehow prohibitive. A woman can customarily put up a hut within her husband's compound and not to separately build her own. From the field discussions, it was explained that the customary rituals involved in relocating a local compound house debars women from building their own houses. For instance, the rituals include moving one's ancestral gods to the new site where the house is to be constructed but custom forbid women from owning such gods. Also a woman cannot own a bow and arrow, a pre-requisite for every compound to have as a weapon for defence. These customary rules governing women's land ownership in the study area explains why 338 (75%) of the respondents in the quantitative survey indicated that women could not build houses as their personal properties whilst only 112 (25%) of them agreed that women could own houses in their communities. It came up during the discussions that in most of the communities, women who build houses do that in the names of their husbands. This belief was emphasised by a female respondent in Baare when she remarked that “a woman does not kill a cobra and cuts off the head herself” (Yengayure Pogbila; qualitative interview). This situation is however changing in the urban and peri-urban areas where there are evidence of women building and owning houses in their names.

The table 4.4 below shows results obtained from the quantitative survey on the question: which of the following rights can a woman exercise on land in the marital home?

Table 4.4: Rights Exercised by Women (married) on Land in the Marital Home

Type of Right in Land	Percent Yes
Use Right	79%
Ownership Right	13%
Control Right	29%
No Right at all	2%
Other	0%
Total	n = 450

Source: Field Survey

From table 4.4 above, a high proportion (79%) of the respondents indicated that women in their marital homes could exercise use right on land in their communities. Even though 13% and 29% of the respondents agreed that women in the marital home could exercise ownership and control rights respectively in land, these rights are mostly ceded to the women on widowhood. Also when the man is old or incapacitated, the wife may take control over the land especially when the children are still young.

The study further revealed from the qualitative responses that unlike women in their natal homes, those in the marital homes have ownership and control right over the nuts collected from shea and dawadawa trees on the family lands. After the collection of the nuts, the women are only required to process some for the husband to sacrifice to the gods before she could start using them to prepare meals for the family or to sell them.

4.3.3 Land Rights of Widows or Female Headed Homes

It was evident from the responses that widows have primary right of access to their husbands' agricultural lands as well as houses. Rights of ownership and control are vested in the widow in trust for the children if they are minors. Customarily, this mode of land ownership cannot be regarded as inheritance but rather only a

temporary ownership and control over the deceased husband's land until the sons become of age. If however, the man is survived by adult sons, then the right of ownership and control of the farmlands is vested in the most senior son who holds it in trust for the other siblings. When there is no child in the marriage then the widow will have permanent use right over the farmlands. In situations where the deceased spouse is a family head then the portion of his land that falls under "kovaarega", thus, the ancestral family land handed down from generations to the current family head, would be taken away from the widow by the next family head. The reason is that customarily, "kovaarega" does not form part of the estate of a deceased family head to be inherited by his wife and children.

The responses from the quantitative sample of 450 respondents on the rights widows can exercise on land are shown in table below.

Table 4.5: Rights widows can exercise on land

Type of Right in Land	Percent Yes
Use Right	91%
Ownership Right	15%
Control Right	60%
No Right at all	0%
Other	0%
Total	n = 450

Source: Field Survey

From table 4.5 above, it can be seen that 91% (410) of the respondents indicated that widows have the right to use their deceased spouses' farmlands, whilst 60% and 12% of the respondents agreed that widows can exercise control and ownership rights respectively over lands inherited from their deceased spouses. All these responses are pointers to the fact that widows could really exercise control over their deceased husbands' lands until their sons become of age or in situations where there are no sons, they can assume ownership of such lands. It is worth noting that, during the discussions and interviews, it was revealed that the above land rights of widows were

not absolute but rather subject to the approval of the brothers of the deceased spouse when the male children are minors or no children in the marriage.

In the case of economic trees of shea and dawadawa, widows have unfettered access, full control and ownership of the nuts that they collect from the family lands.

4.4 Factors that Limit Women's Access, Ownership and Control of Land.

From the various field discussions and the interviews, a number of factors were identified as contributing to impede women's rights to land in the Frafra traditional area. These are discussed below:

4.4.1 Status of Women in Two Homes

The study revealed that traditionally, women are regarded as non-permanent members of their natal homes; therefore there is a pervasive belief in the study area that women in their natal homes should not own land. Daughters are expected to get married and are therefore not considered in the sharing of land during inheritance. In the marital home too, women are traditionally regarded as "strangers" to the family and therefore do not have any legitimate claim to own and control land. Other explanations given for women not owning land is that they belong to two families (natal and marital families). This explains why when a married woman dies, her funeral is performed twice; first by the marital family and secondly the natal. This dual position of women has made them unable to claim ownership or control of land in both the natal and marital homes as dictated by custom (Yenbil Dugdoog; qualitative interview).

4.4.2 Customary Rules on Inheritance

The Frafras just like the other tribes in the Upper East Region inherit patrilineally and coupled with the customary belief that women do not own land, have inhibited

women's ownership and control rights and to some extent access to farm and building lands. Even though it came out from the interviews that women under certain exceptional cases may inherit land this was largely conditional. A woman can inherit her father's land traditionally only if there are no male siblings. In this case, one of the man's daughters will have the right to inherit the father's land if she agrees to stay back in the natal home. The woman here is considered as a "man" and for that matter has the right to inherit the properties of the father. She is however obliged to bring forth a male child who will be named after the maternal grandfather for the purpose of inheriting the house and perpetuating the family lineage. Another exceptional case is where there are no children in the marriage then the woman would be allowed to inherit part or all of the deceased spouse's farmlands and the house, but that would be purely a use right.

4.4.3 Customary Belief on Sacrifice to Land

Results from the discussions and interviews to the effect that only men perform sacrifices to the ancestral and land gods locally called "yaab-doma" and "tengama" respectively is also a factor limiting women's right to access, control and ownership to land in the study area. Traditionally, women are forbidden from performing sacrifices to these gods and since these rights are directly linked with the right to own and control land, then women automatically are denied these rights in land. This explains why women do not have access to any ancestral land (kovaarega) which is inheritable together with the family ancestral gods (Yamdoo Baabil; qualitative interview). The relationship between the right to own and control land and that of performing sacrifices to the ancestral gods can be seen in the customary practice where when a man dies it is only the elder son, no matter his age that would be aided by the uncles to perform sacrifices to the gods inherited from the father and not the widow.

4.4.4 Customary Practices of Widowhood

The study also revealed that certain customary practice where widows re-marry known in the local parlance as “Pokoore-bingre” can negatively affect a widow’s right to access, use or control of a deceased spouse’s farmland especially when she is relatively young. It is a common practice among the frafras for a widow to re-marry within the family or clan for the purpose of maintaining the unique identity of the family. This practice comes in three forms: in the first option, a brother or any close relative of the deceased spouse can propose to re-marry the widow after the funeral of the late husband has been performed. The re-marriage proposal is presented to the widow by the elders of the family for acceptance or otherwise. The second option is when the widow does not accept the proposal from anybody within the immediate family then she can decide to settle on someone else within the external family. Finally, she can also choose anybody from the community or village if no one in the external family appeals to her or as last resort, she can also decide to remain single if she so desires.

The effect of this is that widows who refuse to re-marry and are not left with enough land by their deceased spouses would find it difficult accessing land within the family. Also childless widows can have their deceased spouse’s land taken away by the man’s brothers as a way to punish her. Even though it was evident from the study that it is uncustomary for a widow’s land to be taken away by family members on the grounds of not re-marrying, some widows have lost land with many more refused access to land in some communities (Director, Widows and Orphans Ministry (NGO); qualitative interview).

4.4.5 Lack of Dialogue on Land Issues

Traditionally, the role of the Frafra woman include taking care of the house and its chores, assisting the husband to harvest and cart farm produce and also brewing pito to sacrifice the ancestral gods at the end of every farming season. The study revealed that even though the role of women have expanded to include other male dominated activities, they are still marginalised by their male counter parts in the area of taking decisions on land. This point was emphasised when the question about the level of involvement of women in taking decisions on land was asked and about 85% of the 450 respondents agreed that women do not take part in decision-making concerning land. The effect of this is that women are denied avenues and platforms within the families on which they can voice their concerns and make inputs into decisions that would safeguard their interest and also enable them assert their rights in land.

4.4.6 Urbanisation

The urban sprawl being experienced in Bolgatanga and most of the peri-urban communities following the conversion of agriculture land into building plots is severely diminishing the amount of land available to women. The less fertile and lands lying far away from the local homes in the peri-urban areas, known as the “vartor” and “bour” lands which are mostly in the hands of women for the cultivation of rice and groundnuts are the first category of lands to be sold by families. It also came out during discussions that some greedy family heads and brothers of deceased spouses of some widows do forcefully take over lands bequeathed to widows and their children and sell under the pretext to either perform funerals, buy food to supplement the family stock or buy animals to dowry a wife. Most women in the peri-urban areas like Yikene, Yarigabisi, Sumbrungu, among others confirmed losing their farmlands through sales by the men.

4.5 Women’s Landownership and Access to Credit

Availability of credit to farmers is an important indicator of one's farm size and the ability to undertake dry season farming in the study area. Duncan (2004) noted that lack of or insufficiency of capital has resulted in the inability of women to develop greater income-yielding plots and also that women need money to pay for labour, tractor services, implements, fertilizer and transport produce to the market centres.

When respondents under the quantitative survey were asked as to whether they have access to credit, the responses given are contained in table 4.6 below.

Table 4.6: Access to credit by male and female respondents

Respondents	Yes	Percent	No	Percent
Male	77	43%	103	57%
Female	124	46%	146	54%

Men, n = 180

women, n = 270

Source: Field Survey

It can be seen from the table that of the 180 male respondents, 77 (43%) had access to credit whilst 103 (57%) indicated that they do not have. Also from the female side 124 (46%) agreed that they have access to credit facilities and 146 (54%) answered in the negative. The responses clearly showed that, in terms of having access to credit facilities, both men and women have equal access. However, when a further probe was made about the sources these credits could be accessed, 82% of the men who agreed they have access to credit indicated the banks as the source, whilst 18% pointed to other sources like money lenders, District Assemblies (MASLOC) and NGO's. On the other hand, 41% of the women who have access to credit pointed the banks as the source whilst the 59% indicated other financial institutions like Sinapi Aba Trust Financial Service, Sungrepaana Financial Services and women based NGO's like Bona Tudu, the Widows and Orphans Ministry and Single Mothers Association as the sources of their credit. This means that as more men are looking up to the banks for their credit facilities, most of the women are relying on NGO's and other non-formal financial institutions.

Generally, unlike women in other economic activities such as trading, those involved in farming seem to be either averse to going in for credit from the formal financial institutions or are mostly not considered by these institutions in the granting of loans. In ascertaining the real position, the study inquired from the female respondents in the quantitative survey whether they have ever applied for credit from the banks. Out of the 265 female respondents, 85 (32%) indicated that they have ever applied for loans whilst 180 (68%) indicated that they have never done so. From the number of women that have applied for loans, 60 (71%) of them indicated they were given. On the other hand, reasons given by those who were refused loans largely has to do with their inability to organise themselves into groups and open account with the banks. This situation required a further examination to ascertain whether the argument put forward by Duncan (2004) that the real challenge is the insecurity of land tenure faced by woman and this has contributed to their ineligibility for formal credit even though women are known to be more credit worthy.

Although, it is an undeniable fact that customary and traditional practices of the Frafras have accounted so much for the disadvantaged position of women regarding access, control and ownership of land, this does not seem to be a major factor accounting for their inability to access credit from the financial institutions. The basis of this argument is supported by the responses directly from women shown in table 4.7 below on the question: what main problems do you consider as hampering women's credit access in this community?

Table 4.7: Responses on Factors Hampering women's Credit Access

Problems Limiting Women's Credit accessibility	Percent Yes
High Interest Rate	83%
Lack of Banks	65%
Lack of Collaterals	46%
Unwillingness to Pay	7%
Lack of banking Education	37%
Lack of Economic Activities	92%
Others	22%

Total	n = 265
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Source: Field Survey

The results in table 4.7 above show that most of the women sampled identified lack of economic activities (92%), high interest (83%) and lack of banks (65%) as being the top three reasons inhibiting women's credit accessibility whilst lack of collaterals was chosen as the fourth factor that impedes their quest to access credit from financial institutions. In general, the real problem cited by many of the women for not going in for credit from the financial institutions has to do with no lucrative economic activities for them to invest in, apart from the normal peasant farming which is saddled with problems of erratic and unreliable rainfall patterns, small farm sizes and post harvest losses. Some also explained that they find the whole process of obtaining loans from the banks to be too cumbersome. For instance, some women who have ever applied for loans from some of the formal financial institutions said they were asked to form groups with at least ten members, contribute money to open accounts with the bank before putting in their application to be processed. This process some women said took them between three and six months before they were granted the loans and by which time the planting season had passed thereby defeating the purpose of the loan. These among other reasons all seem to deter most women in the Frafra traditional area from accessing credit from the formal financial institutions and not necessarily, their inability to own landed properties which they can use as collaterals for credits.

Finally, it is important that an assessment be made from the various financial institutions operating in the study area to ascertain the real proportions of males and females that have accessed credits from them to see the disparity and elicit the underpinning factors for that from the institutions point of view. Table 4.9 below shows the proportions (numbers) of males and females that have accessed credit from the financial institutions between the period 2009 to 2010.

Table 4.8: Males and Females Accessed Credit from Financial Institutions.

Name of Financial Institution	2009					2010				
	Total No.	Male		Female		Total No.	Male		Female	
		No.	%	No.	%		No.	%	No.	%
ADB	2,907	1,657	57	1,250	43	3,125	2,125	68	1,000	32
NIB	1,110	788	71	322	29	1,240	918	74	322	26
SBG	720	497	69	223	31	1,010	788	78	222	22
NRB	1,230	738	60	492	40	1,320	845	64	475	36
1 st NB	-	-	-	-	-	535	433	81	102	19
BCB	1,353	798	59	555	41	1,510	1,027	68	483	32
STFS	1,260	832	66	428	34	2,507	1,479	59	1,028	41
BFS	990	554	56	436	34	1,234	888	72	346	28
SFS	997	379	38	618	62	1,511	635	42	876	58
Total	10,567	6,235	59	4,332	41	13,992	9,138	65	4,854	35

Source: Various Financial Institutions

It can be seen from the table that a total number of 10,567 and 13,992 people accessed credits from the nine financial institutions in 2009 and 2010 respectively. Out of these numbers, in year 2009, 59% (6,235) of the beneficiaries were males and 41% (4,332) females and in 2010, 65% (9,138) were males and 35% (4,854) females. The proportion of males and females who have actually accessed credits from the

financial institutions here too does not seem to support the argument that women's insecurity of tenure on land inhibits their credit accessibility.

Besides, from the quantitative interviews with the financial institutions, some of the reasons given for most women not approaching them for loans has more to do with fewer women engaging in viable economic activities except those in the cities and towns that are in paid employment and trading. There is also lack of awareness on the part of most women about the existence of credit facilities (micro-credit) in some of the financial institutions due to the wrong notion that it is only with big businesses and projects that one can access loans from them (Timothy Anaamzoya, Managing Director, Sungrepaana Financial Services: Qualitative interview).

From the foregoing analysis, it has been established that there is little linkage between women's land rights and credit accessibility, thus weaker land rights does not preclude women from accessing credit.



CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

Land tenure practices in Africa is characterised by gender differences as women are perceived not to have similar rights of access and ownership of land as their male

counterparts due to customary reasons. Most people hold the view that more attention should be paid to the land rights of women in Africa due to the enormous contributions that women make to agricultural production and food security especially to rural households.

This research has therefore explored how traditional practices and customary rules have impacted on women's access, control and ownership of land and the effects of these on their ability to access credit from the financial institutions. With the use of guided questionnaires, interviews were held with traditional authorities, opinion leaders, NGO's, key informants and other stakeholders involved in land use decisions.

This chapter draws conclusions based on the research findings and by so doing answer the research objectives in chapter one. It also made recommendations based on the conclusions.

5.2 Conclusions

5.2.1 Nature of Land Relations within the Custom of the Frafra Traditional Area.

Findings from the research indicates that land is generally perceived by the Frafras as a spirit symbolised by a land god locally called "tengane" which is sacrificed by only a tendaana. The Tendamba families/clans are said to be the first settlers and by custom the original landowners through whom all other settlers in the communities got their lands from.

It was also realised that lands held by families and individuals are categorised in to three, namely; "samane", "vartor" and "buor" meaning lands around the houses originally inhabited and farmed by the ancestors, lands created from the bush by individual family members and the stretch of lands commonly owned by the community and under the custody of a tendana. It is worth noting that all these

categories of lands devolve along only the male lineage. This was confirmed by the study where there was the general agreement that the customary land arrangement of the Frafras largely inhibit women from inheriting land which is the main way of gaining landownership, control and use.

It can be concluded that the nature of the customary land relations between men and women, even though, does not totally preclude women in the area of access to land for agriculture, it does not provide support and security for their right of ownership and control.

5.2.2 Women and Property Rights

From the analysis, women generally do not per se have difficulty with regards to access to land and other land resources, the real issue is the quality of access and the rights associated therewith and the legal security. It is an undeniable fact that women in some communities in the study area cannot personally own landed properties independent from their male spouses due to customary rules. These customary rules and other traditional practices that influence the allocation of land does not consider women as beneficiaries and this has placed them in a disadvantaged position in terms of access, control and ownership to land relative to their male counter parts in the Frafra traditional area. Even though some people count on the fact that some women can inherit land from their deceased husbands as widows until their children become of age, daughters too with no male siblings who are not married can also inherit land from their fathers and some women purchasing their own lands in the urban areas as cases of women gaining control and ownership over land in the study area, this is not enough and can therefore be concluded that women have limited avenues to gain access, control and ownership to land under the customary system.

On the basis of access to land for both farming and building purposes, most women may be allocated land through grant from either brothers or the husbands but

these are not in absolute terms, but as a license and could be revoked at will upon dissolution of the marriage or when the sister gets married. This partly explains why some women will not want to build a house on a land acquired through family grant but rather prefer securing land from the market.

There is also a pervasive believe that women should not be involved in discussions on land with men within the traditional environment. This posture of the men as prescribed by custom have contributed greatly to the marginalisation of women from asserting their rights as co-owners of family land and therefore contribute to decision making as to the proper management and use of such lands in the wake of rampant disposal of lands through sales as against safeguarding their future livelihoods. Even family lands that are used by women for farming can be disposed off through sale by the men without seeking their prior approval or consent.

5.2.3 Women and Lands in the Natal Home

Compared to men, women in the natal home do not have unfettered access to land for agricultural and building purpose. The lands that can be easily accessed by women for farming are the least desirable and less productive “vortor” and “buor” lands which are mostly located far from the houses and only used for the cultivation of groundnuts and rice. The prestigious “samane” lands around the compounds which are always manured with animal’s droppings are solely used and controlled by men. It is true that the surest way a daughter can inherit the use and control of land from the father is where she has no male siblings and does not marry under the instructions of the father to stay and bring forth a male child to succeed him, but these rights whittles away upon maturity of the son. It is worth noting here that divorced

sisters/daughters may be granted licence to use land for agricultural purpose, but once she gets married then the right to use land in the natal home extinguishes.

5.2.4 Women and Land in the Marital Home

Customary marriage, divorce and inheritance laws have an influence over the land rights of women in the marital home. While marriage provides some amount of tenure security to women for agricultural purpose, this ends upon divorce and to some extent death of the husband. Divorced women are not guaranteed any right to land in the marital home in the study area. Besides, even though it came out that widows have a primary right of access and control over their deceased husbands' lands, these rights are taken away by the sons when they become of age. Also there were some reports of widows losing lands bequeathed to them by their deceased spouses by their brother-in-laws and other family members due to rampant sales especially in the peri-urban areas where land values are soaring.

5.2.5 Conditions Inhibiting Women's Land Rights

Factors impeding ownership, control and access rights to land by women in the study area which largely hinges on customary rules and traditional practices are summarised as follows:

- Customary beliefs on land ownership;
- Customary practices of Inheritances;
- Customary belief on Sacrifice to Land and Family gods;
- Customary Practices of widowhood;
- Lack of Dialogue on Land Issues; and
- Rapid Urbanisation

In conclusion, the above enumerated problems are the contributory factors towards the marginalisation of women as far as landownership, control and access are concerned. These arise from the inequity and insecurity that women face in their

landownership rights and this accounts for the endemic poverty that most rural women in the Frafra traditional areas find themselves.

5.2.6 Women's Right to Land Produce

It can be concluded that even though women's access, control and ownership to land is strictly regulated by customary rules and practices administered by their male counterparts, the decision as to the way and manner produce from farms and nuts harvested from economic trees on both family and range lands lie solely within the whims and caprices of the women. Women have absolute rights and full control over whatever use they wish to put their farm produce into. It must be noted that for shea nuts, the autonomy of use by the women is only guaranteed after they have processed some into butter for their husbands to sacrifice to the family gods.

5.2.7 Women's Land Rights and Access to Credit

The study revealed that even though there is wide perception that the lack of access to credit or insufficiency of it for women is largely influenced by the insecurity of land rights, the case of the Frafra traditional area where patrilineal system of inheritance is predominantly practiced does not support this assertion. Both men and women almost have equal access to credit facilities, although whilst the men were pointing to the banks as their source of credit, most of the women indicated NGO's and other financial Service Institutions as their source.

Also, the study revealed that fewer women as compared to men have actually accessed credits from the various financial institutions over the past two years but evidence on the ground does not point to lack of collateral as being the main factor. The reasons advanced for most women not accessing credit from the banks has more to do with lack of vibrant economic activities to engage in especially during the prolonged dry season, high interest rates and cumbersome procedures involved in acquiring credits from the banks.

It can be concluded that even though most women in the Frafra traditional area generally do not have secured rights to land, there is no evidence of this negatively impacting on the ability of women raising credit from the financial institutions.

5.3 Recommendations

In the light of the above conclusions, the study makes the following recommendations:

- The government in conjunction with the traditional authorities and other relevant stakeholders should develop appropriate platforms to trigger discussions and negotiations regarding issues on women's access, ownership and control of land and to abolish some of the inimical customary practices and beliefs that inhibit women's rights to land.
- The government, non-government organisations and other gender based advocacy groups should work in concert to improve on the opportunities of women and advocate for gender inclusiveness by ensuring that there is full participation for both men and women at all levels of land use and management decisions.
- The State Land Institutions in collaboration with the Customary Lands Secretariats and the various Traditional Authorities must endeavour to promote and provide education and sensitisation on gender issues to the opinion leaders, clan and family heads in order to build support for the involvement of women in land matters. This could be done through community durbars, annual festivals and regular radio programmes aimed at educating the indigenes of the Frafra traditional area about the need to eschew some of the customary practices that tend to discriminate against women's rights to land.

- There is also the need to establish Gender Focal Desks within the secretariats of the Regional Lands Commissions whose main duties would be to ensure that some of the customary practices in some of the traditional areas that are gender discriminatory are identified and collated for the attention of the Regional Lands Commission who can help map out and devise strategic policies that can be implemented to help relax or completely do away with those customary rules and practices that inhibit the security of women's lands and property rights.
- It is also recommended that the comprehensive gender strategy document prepared under the Land Administration Project by the Institute of Local Government Studies for the main streaming of gender issues in Land Administration and Management be vigorously implemented.
- A comprehensive law on the property right of spouses must be promulgated to protect women's property rights in the matrimonial homes. This law should also enable women to make claims to properties such as farmlands of their spouses even in the traditional areas.
- Women have to be empowered through formal education as this could increase their access, control and ownership of land especially now that land is commodity sold in the market.

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