

**'The marriage of Anansewa':
Land reforms, inequality and the poor in rural Ghana**

Richard Ameyaw Ampadu

International Institute of Social Studies of Erasmus University, The Hague,

Email: ampadu@iss.nl

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Name: Richard A. Ampadu¹ Email: ampadu@iss.nl
International Institute of Social Studies of Erasmus University, The Hague,

Abstract

Land reform has been promoted as a key policy to ensure security of land access and tenure, reduce poverty and promote rural development in developing countries. While the process is known to present opportunities and constraints to diverse people, the question of why certain groups are often unable to take advantage of opportunities presented to improve their wellbeing has not been adequately addressed. Empirical research on benefits of such reforms in some developing countries including Ghana, are inconclusive (Basset, 1993; Bruce, 1986; Peters, 2004). This raises questions about the prospects of the new land reform in Ghana and the fate of poor and derived right holders. This paper shows that land reforms may not inevitably ensure tenure security and benefits accrued to the poor as assumed by evolutionary theories (Platteau, 1996). It shows that, the dominant academic notion of land reforms underestimates the complex, uncertain, multiple and overlapping rights under the customary land tenure systems (Berry, 1993). State involvement in land reform, as inevitable panacea for Africa’s instability in the land sector (World Bank, 2008) could be misleading as the state and more powerful people in societies may collude to stifle public policies aimed at creating equality.

Using data from my recent field work in Ghana, I attempt to explain why land reforms in Ghana benefit the wealthy and not smallholder poor farmers whom such reforms theoretically target. I analyze the outcomes for local poor actors and consider whether the new reform will help to reduce social instability (inequality, insecurity and conflicts) ubiquitous in the country. The study makes visible the undemocratic nature and elite capture tendencies of land reform processes in Ghana. It demonstrates that in an unequal society such as in Ghana, reforms aimed at bringing relief to the poor may tend to exclude them and rather benefit the wealthy; because of the non-involvement of the poor in decisions that concerns them and the opportunistic behavior of the more powerful in society. In view of this it is suggested that the undemocratic nature of land reforms, exclusion of smallholder poor and vulnerable farmers, not only constrains agriculture productivity and production but also contributes to growing unemployment and poverty.

Key words: land reform, inequality, smallholder, elite opportunistic behavior

'...overcoming poverty is not a gesture of charity, but an act of justice...'

(Nelson Mandela of South Africa)

Introduction

At the heart of the many challenges of Africa's economic development, particularly agro based economies such as Ghana, is the debate about the land question. Land has been identified as key to reducing poverty in the region (Dieninger, 2003). In most parts of Africa, access to land is through ambiguous, insecure and uncertain customaryⁱⁱ land tenure systems (Berry, 1993). Such characteristics and the use of customary lawsⁱⁱⁱ to access land, according to some proponents of property rights create inequality, skew land access and distribution and encourage inefficient use of land, thereby decreasing productivity and increasing poverty.

While property rights advocates highlight the enormous gains to be generated from land privatization through formalization of informal customary land tenure systems, some empirical reports from the field paradoxically show the reverse in many developing countries (Peters, 2004). This paper adds to this critique and contributes to the understanding of how a public policy aimed at reducing social instability, benefits the rich to the detriment of the poor.

Like other countries in sub Saharan Africa, Ghana since the 19th century has often sought to restructure its land relations, minimize inequality and ensure poverty reduction through the implementation of various land reforms. The main aim of reforming customary land tenure systems in Ghana has been to enhance individual security of land rights and improve access of the poor, vulnerable and disadvantaged groups and individuals in society to land. While these objectives have largely remained the same over the years, the design and implementation processes have varied. In Ghana, arguably, land reform processes have frequently resulted in polarization among land users, creating new classes of winners and losers. The more powerful local elites, chiefs, wealthy and politicians and others who usually hold and accumulate land for purposes of high rents and speculation constitute the winners, while the less powerful, smallholder derived right holders, women, migrants, youth and the poor who depend on land for survival are the losers in many cases. This polarization serves as a good ground for the wealthy and powerful to undermine the basis for economic growth (Rodriguez, 2000).

Thus while reforms are expected to improve the security of land access and tenure, reduce incidence of disputes and conflicts over land as well as poverty, available evidence indicates that reforms provoke tendencies of exclusion of the poor and vulnerable (Peters, 2004). These unintended consequences of reforms raise questions about how and why a policy aimed at fixing problems of the "complex, variable and fluid" (Shipton and Goheen 1992: 318) 'informal' landholding systems, end up fuelling processes of social instability. In the light of the foregoing, this paper attempts to ascertain the position or fate of the smallholder derived land right holder, whose survival solely depends on access to land.

This paper challenges the dominant view which considers involvement of government and other powerful agents within the land sector as natural panacea

to 'molding a level playing field' (Broegaard, 2009). Like Sonin (2002), I argue that underlying inequalities pave the way for the rich and wealthy to benefit by subverting and/or shaping social, political and economic institutions in their favor and to the detriment of the poor. I contend that the inability to formalize informality and the failure of land reforms to bridge the inequality gap and address poverty, should be attributed to the opportunistic activity of the more powerful in society. This paper provides evidence to support the goal of a paradigm shift, that seeks to explain and interpreting sharp levels of socioeconomic inequality and poverty from the perspectives of the rich and wealthy rather than the poor and less powerful in societies (da Corta, 2008).

The paper begins with an overview of land reforms in Ghana, from colonial to present day administration; highlighting strategies (coercive and non-coercive) adapted by the more powerful provoke inequality and exclusion and perpetuating poverty. This is followed by discussions on observation made in the field during a study in a rural farming community of Ghana.

Land and land administration types in Ghana

Ghana operates a legal pluralistic land tenure system, with customary and statutory law coexisting and interacting with each other. Two main forms of land - public and private (NLP, 1999) or customary and statutory lands (Larbi, 2006) - can be distinguished. Customary land constitutes about 80% of the total land size of Ghana (Kasanga and Kotey, 2001:13) while the remaining 20% belongs to the State. While the customary land was acquired through diverse mechanisms; gifts, settlements, purchase and conquest, the state lands were acquired by a government fiat, the State Land Act, 1962 (Act 125), which permits the state to compulsorily take over customary land for purposes of national development. Ghana thus operates a heterogeneous tenure and land management system but this varies from locality to locality within the country. Land acquired by the state can be leased to statutory bodies and some private individuals or organizations for the purposes of developing projects of national interest. Customary lands are entrusted in the hands of family, clan head or chief who holds the allodial and by convention has depositional rights to the lands under his control. The other members of the land owning group (family, clan or community) have user rights only to such lands. Despite the power vested in the head of the land owning group, decisions on disposition and allocation rights are usually based on collective decisions of the head and other principal elders of the group.

Theoretical underpinnings: *The inequality-growth debate*

Beginning with Kuznet (1955), Kaldor, (1960) Kalecki, (1971) and others, some economists propose a positive relationship between inequality and economic growth (Forbes, 2000). Pre-occupied by this, development policies of the 1950's and 1960 in some developing countries focused on this unequal development patterns, usually between industrial and agrarian sectors. In Ghana, resources were shifted from the agricultural sector to the industrial sector, with the hope that by stimulating growth in the industrial sector, gains from the urban

industrial sector will spill over to rural communities through trade and exchanges (Krueger, 1988).

In recent times however, research have shown that economic growth is dependent on a complex of factors other than the linear relationship assumed between growth and inequality (Kaldor, 1960). Research in some poor democratic countries show that inequality often slows down or reduces economic growth (Barro, 1999) to the extent that, in highly unequal countries, governments would have to intervene to support a policy of redistribution by either subsidizing goods and services or increasing taxes in order to prevent stagnation, resulting from widening inequality gaps. These costs either subsidizing or increasing taxes deplete accumulation and slows growth.

Rodríguez (2000) therefore suggests that inequality can be bad for economic growth and development of poor countries. This will depend on how resources are shared or allocated. Thus poor people may not necessarily be poor because they lack the capacity to make positive choices but that differences resulting from inequality in voices and lack of participation of the poor in the design and implementation of development policies may also account for their being poor (WDR, 2006)

Elite manipulations or capture of public policies both create and make worse inequalities in societies. Aryterey et al, (2007) show many instances where discussions about poverty reducing projects, such as land reforms in Ghana have taken place without involvement of the poor. The interests of the more powerful who are able to 'secure and alienate land in collusion with dominant political interests' are usually represented in policy (Amanor, 2008:). This participation inequity in land reforms or policies, which directly affects the rural poor, may risk achieving nothing but a waste of the tax payer's money.

. This obnoxious inequality is often linked to the history of traditions of unequal power structure and inequality embedded in the fabric of societies.

Traditionally in Ghana, chiefs are considered the elders of the land and represent the ancestors. Local community development actions are often based on them and their interest, because they are regarded as the embodiment culture, custodians of the land and a repository of traditional authority (Grischow, 2008) and represent the ancestors and gods of the land. Such forms of power imbalances are replicated at different levels of society; state, community, markets, and households and serves as avenues for the local leaders to perpetuate activities of inequalities and processes of inequity distinguish themselves, build more power, albeit through mutual accord in order to rule their people. The inequality of power then may translate into 'wealth, authority, unequal opportunities, leading to wasted potentials and inefficient allocation of resources' (WDR, 2006: 7). While this imbalance power or inequality may permeate every society and levels of decision making, it is demonstrated in diverse forms; disguised, coercive or non-coercive or whatever form. It is so wide and encompassing that gender, ethnicity, generation and status within local political hierarchy are all affected.

The recent idea or policy of government to entrust community lands and development in Ghana, in the care of chiefs (MLF, 1999) may not be a healthy

development, given that some chiefs are sourcing for funds in the name of developing community projects but in reality to get themselves entrenched on the throne (Grischow, 2008). Making chiefs and other local leaders assume positions of social, political, economic and judicial power can and has already created social divisions. A focus on such relationship between chiefs, leaders and husbands on one hand and subjects, followers, wives and children on the other hand do not allow us to identify the power dealings underlying the relationship and inequality existing in society. This view of society may compel us to overlook the inequalities and unbalance power relations controlling the lives of people and perpetuating more inequality and poverty.

As already pointed out, conventionally promoted land reforms aim to establish secure and exclusive individual private property rights. Private property right has the potential of creating rent seeking opportunities for property owners, particularly in an unequal society (Sonin, 2002)..

Those in control of landed properties or other resources; chiefs and heads of land owning families use their wealth and acquired power, form alliances with policy makers, politicians, the judiciary and other law enforcement organizations, in order to corrupt them through bribery and other free offers. They then use their new positions or relationships to influence policy directions as well as law and order, in ways that tilt benefits in their favor. Apart from their rent seeking objectives, they use their expropriation capacity acquired by their association with political leaders to weaken the basis of institutional and land reform processes by making public policies unpopular. The costs of acquiring land as a land reform beneficiary are raised beyond the affordability of the poor. In Ghana land registration cost and the processes involved have become problematic for the poor. As pointed out by Aryertey et al. (2007), the poor are often excluded and/or not invited to consensus meetings which concern them due to class inequalities existing in the society. Through their manipulations of the systems, the rich finally are able to subtly coerce the poor to accept decisions of elites or the rich, even though the former may not be able to understand or predict the future streams of gains.

Land reforms in Ghana

For the purposes of this paper, land reforms in Ghana are delineated into three different periods; colonial, early post independent Ghana and Neoliberal periods., In this brief overview I attempt to demonstrate how national and local political elites in collusion with the wealthy and more powerful in the society managed to subvert public policy, aimed at facilitating access to land for the poor farmer. Before looking at the reforms under the various epochs, we first briefly look at some of Ghana's Acts on land registration and the changes that have occurred.

Land title and registration

As pointed earlier land titling (deeds) and registration in Ghana, dates back to the 19th century. However, with the neoliberal turn around which swept across developing countries in the 1980's, a new form of land reforms were introduced to help correct and enhance economic growth and development in the country. In view of this the Land Registration Act of 1962 (Act 122), the first major step in land reforms in Ghana was replaced with the PNDCL 152 of 1986 to correct 'radical weaknesses in the system of instrument registration' under the previous act (ACT 122 of 1962). The new Land Title Registration Act, (PNDCL 152) sought among others to facilitate the recognition of land transactions and maintenance of records on these transactions through compulsory title registration (Amanor, 2009).

In 1999, Ghana came out with its first National Land Policy (NLP) which among others aims at strengthening tenure security, with the current Land Administration Project (LAP) seeking to correct the deficiencies of the NLP. The NLP of 1999 and the LAP are both major developments in the history of land reforms in Ghana. Among other things, the LAP seeks to facilitate equitable access to land and security of land tenure based on the establishment of land market and compulsory land title registration. It also seeks to reduce litigations, conflicts and facilitates access to land by the poor. However, the new focus of land the current reform and discordance within the debates on land reforms in Ghana calls for a thorough exploration of the current reform.

According to Amanor (2010:121), the introduction of free market within the land sector can reinforce lack of accountability; a crucial element that has the potential to ensure peace or conflicts over land. Since Ghana is a non-homogenous country (Larbi, 2006; Berry, 2009) and tenure systems vary from community to community, a good representation of each community's constituents is critical. This requires a careful selection of a cross section of people and various groups to represent their constituents. However, this has not been achieved; the interest of the majority (poor and vulnerable smallholders) are largely seem to have been ignored (Ubink, 2008, Amanor, 2010; Aryeetey et al, 2007:65).

Early colonial period

Land reforms in Ghana started with the colonial administration, when in 1883 under the Queen's advocate, the first land reform (deed of registration) came into force (Kuntu-Mensah, 2006). One of the reasons for the enactment of this deed was the rampant large scale land sales, granting of concessions, and exploitation of minerals as well as the lack of accountability by the chiefs (Amanor, 1999; Aryeetey et al, 2007). To be able to gain control over local peoples' land and other natural resources, the colonial government within the space of three years passed two land ordinances, the Crown Land ordinance of 1894 and Lands Bill in 1897, both of which aimed at bringing native/customary lands under the British Crown (Aryeetey et. al, 2007).

These ordinances and other laws (proposed and enacted) were opposed (Aryeetey et al, 2007) by the chiefs, local people and elite groups, when it was found to be seizure rather than protecting the local people (Ranger, 1983, cited in

Amanor, 1999). Still not perturbed and as a way around the situation, the colonial government enacted a new law, the Native Authority Act, which later became known as the indirect rule. Through this policy, the British administration was able to rule the local people and control their lands through forming an alliance with local chiefs. It aimed at placing all customary lands within 'traditional areas' under the management of paramount chiefs, who were made accountable to District Commissioners (DC), a person elected by the colonial government. Although the new law helped reduce sale of land by local chiefs, it also gave the paramount chiefs, in collusion with the local elites opportunity to sell community lands, the proceeds of which were divided among the state, district and the chiefly office. Such lands and concessions were mostly sold or given out to foreigners and not local people (Amanor, 2010: 102). Since the chiefs were involved in the sale and sharing of the proceeds from land, they became satisfied and never complained because the new law favoured them. As Boni (2005) points out, this however, did not go down well with the ruled (subjects). The Policy was seriously met with a great opposition, leading to a series feuds between landholders and migrants, among tenants and between land lords and tenants.

Later, the Watson Commission of 1948 which was set up to resolve the conflicts recommended the replacement of the Native Authority Act (Amanor, 2008). This culminated into the establishment of the 1952 State Council law, which brought into force representatives of the various identified groups to for the council. The council which was constituted by representations of all chiefs in the district was presided over by the paramount chief.

By this time, large tracts of land had already been sold out to wealthy people or groups of landholders, who kept the land so accumulated mainly for the purposes of speculation and also for the extraction of higher land rents from poor farmers. With the high production costs and rent fees, many farmers could not invest any longer in land improvement practices, production kept dwindling and many of these farmers became indebted and sued in courts. Since communal lands were treated under state court or laws as 'customary freehold', majority of the less powerful people lost their lands and some of them dropped out of farming. With high rates of tenure insecurity, rising land prices (Field, 1943), high land rents (Amanor, 2010) and disincentive to invest in land improvements (Goldstein, 2006), the poor lost the incentive to farm. This continued till independence in 1957.

Early post-colonial period

On assumption of office, in 1957, the Conventional People's Party (CPP) government led by Dr. Nkrumah made attempts to regulate customary land tenure. Its aim was to make sure that all land revenues were paid to appropriate government institutions so that such moneys or revenues could be used for local and national development. Although a good policy, its design and implementation were hampered by political agendas. Nkrumah wanted to take over lands belonging to chiefs who he had accused of not supporting his CPP during the electioneering campaign and of using moneys accrued from land sales and

concessions, to fund the opposition United Party (UP). He charged the chiefs for misappropriating funds meant for local community development and therefore asked that all stool lands, belonging to local chiefs, particularly in the Ashanti and Akyem area be brought under the control of the presidency. The administration of all confiscated lands was put under the supervision of the Office of the Administrator of Stool Lands (OASL) (Amanor, 2010). The CPP government enacted some more laws which gave the president and the state power to alienate land for national development. This policy however, was not able to achieve its aim, because it was partially implemented. It targeted at few powerful chiefs (Ninson, 1989). Some chiefs' flouted the policy directives; they continued to grant more lands to foreign investors. They also refused to pay taxes or revenues to government on the basis that the land they lived on and cultivated was acquired by their ancestors and cannot just be given away to government.

The government of Dr. Nkrumah relaxed the previous law and later enacted new laws that allowed state and traditional leaders to share the revenue that accrued from sale, rent and concessions just as the colonial administration. The law also permitted the state to continue expropriating portions of customary land in the name of national development. Such laws allowed lands belonging to poor also to be confiscated, particularly if ones land falls within the zone earmarked for government. This permitted lands of small farmers or land holders who did not have the money to register their lands to be expropriated as well (Amanor, 2010). Farmers who lost their lands during the period were only compensated for the crops on the land and not the land. The rights of the small holder farmer and other land users were eroded or undermined by such arrangements (ibid: 109). A few local commercial farmers were aware of the registration processes then and because they had money and the networks, managed to register their lands and titles to the land. In this case the poor farmers lost as most of them could not afford to register their land.

Dr. Nkrumah's overthrow in 1966 was followed by alternating succession of civilian and military governments. Like their predecessors, these governments were also cautious with their land dealings and did not want to mingle with traditional land rights. They focused on large scale and/or modernization of agriculture. Their focus was more on agricultural production and productivity and not so much with changing the existing land tenure arrangements. The most successful government during the period was probably that of Col. I.K. Acheampong's and his National liberation Council (NLC), which did so well to ensure that Ghana attained a high percentage of food self-sufficiency in cereals, particularly maize. While a lot was achieved with the NLC's Agricultural Programme dubbed Operation Feed Yourself (OFY), it failed to lift people from poverty as the resource which supported their incomes came under siege. Military decrees were enacted under the NLC to help protect farmers from land ejections and alienation, which had become common in those days. However, this did nothing to change the customary land tenure systems. As the elites and more powerful always wanted to have their ways, Ghana's Operation Feed Yourself (OFY), created more spaces for politicians, elites and other business people to engage in serious internal land grabbing (Woodman, 1996).

Neoliberal reform period

At the behest of Ghana's international development partners, a new land reform was and/or is being rolled out in the country. This third phase of reform and attempt to change land relations in Ghana begins from the period of structural adjustment programme in the early 1980's. In recent times, perhaps as a response to the changes taking place within the land sector and rising poverty in Africa, there has been a renewed interest within the policy circles trying to make land access and tenure count in the fight against poverty. This programme focuses on problems of rural poor farmers, in particular their security of land access tenure. Like previous reforms, the principal stated objective here is to help resolve land inequality and inefficiency challenges and thereby help facilitate poor people's access to land and ensure security of tenure. A key component of this programme is land titling and registration. The next section discusses the realities of LAP as was observed in the field and supported with evidence from literature.

Realities of the new reform

To understanding why policies that seek to ensure certainty and security of land access and tenure often end up deepening conditions that undermine opportunities and disrupt stability in the society, this study was conducted to identify the possible gaps within the implementation of the policy and suggest ways of filling them. Even though it is acknowledged that the reform process is not ended and some phases are ongoing, some significant reforms are being implemented. With this in mind, the paper focuses on problems already ensuing in order to know whether the paper work matches the reality on the ground.

Institutional challenges: It was observed that that LAP has a Customary Land Secretariat (CLS) office in Manya Krobo, the study area, which has been provided by the traditional authority. The office is highly Under-resourced; it has two elderly men and a young girl as staff. These are employed and paid allowances by the traditional authority, with revenue generated from fines paid by disputants. The elderly men are pensioners while the young girl works as an attendant at a nearby internet café. These issues raise critical questions about efficiency, autonomy and confidentiality among others; the independence of CLS, confidentiality of documents, The hand picking of staff and the fact that the CLS operates under the paramount chief suggests a lack of independence of the secretariat and possible manipulations of staff by the traditional authorities and local elites and these were evident. Typing of official documents at an internet café creates problems of lack of confidentiality and reduces efficiency of work as well.

Expensive registration processes: To qualify for registration, the policy requires that one submit a large number of documents, ranging from site plan, indenture, and an amount of money for the actual registration and title certificate. The hiring of a lawyer to write and endorse documents and surveyor to

demarcate and draw site plans are costs to be borne by the land owner. When ready for further processing, documents are sent to Accra, the capital of Ghana at the landowners cost. These costs farmers claim are expensive and unaffordable. The cost of acquisition of the title, in terms of money, time and efforts all suggest that the process may only benefit the well to do farmers and landholder and not the poor. The wealthy and powerful in the society take advantage of the weakness of the system, the poverty of the sammlholder derived rights holders and insecure property right regime to undermine the process. Those who cannot afford the registration end up selling land to the wealthy. Even though this has not fully taken effect, there are occasions when people attempted selling family land due to economic hardships. Finally, rights of majority of the poor who require land for cultivation will be eroded. (Kuntu-Mensah, 2006: 5; Amanor, 2009). As was observed and discussed elsewhere many more farmers, particularly derived holders complained of either already losing their lands or facing threats of losing land.

Overemphasis on legality: Land reform has two main components: security of terms and conditions or tenure and benefits to be derived from access to land by diverse people. The former refers to the right to possess tenure and the latter refers to distribution of rights (to whom are these rights distributed) (Carter, Roth and Feder 1995). It is observed that LAP seems to be dwelling more on the former since that seems to interest the rich or wealthy. Local people are often not interested in legal matters *per se* rather they prefer to know how the process will benefit them socio-economically. Farmers claim they need to know how the registration of lands will help them solve the realities of life and social relations and not necessarily the terms of trade. According to some farmers, even in its absence of the terms of trade proposed by LAP, which many of them are not aware anyways, they still sell land. The poor level of awareness of LAP or policies in the community of study could also be due to the over emphasis on titling and registration, that is not linked to other social benefits which may appeal to rural landholders (Kuntu-Mensah, 2006). Compulsory registration may be a threat to rural people since the farmers view such as attempts by which government may want to take over their lands. As Aryeetey et al. (2007) point out; communal or family land registration may trigger opportunities for further alienation and thereby disinherit generations to come of land. Benefits from the acquired or yet to be acquired land should be emphasized more or given prominence (Ribot and Peluso, 2003) in land reforms than the security of terms which mainly benefits a few.

Lack of resources to maintain access to land: Berry (1989) asserts that in order for people to maintain access to land they invest in social institutions, even though the money involved could be ploughed back into farming. The study revealed that the young men who travel to the cities during the off-farm season, often return with some moneys, enough to 'bribe' the landowners to release land to them. This action often deprives the 'left behind' and poor access to land and somehow affects land rents. The farmers claim that by using money to influence

landowners, the wealthy (the young returnees from the city) literally buy these land owners and compel them in a way to do what suits the returnees who have the money and can afford higher rents. This action is also supported by some elderly men in the community who might not have land but influence by their social positions. They often lead these young ones to acquire such lands. These emerging classes of rich people accumulate more power, create power imbalances, with their influence and wealth and therefore use that to influence the society.

Lack of consensus building

As pointed by Sikor and Muller (2009), engaging diverse social forces or actors and their interests, in the design and implementation of land tenure reform programs, is essential to create the necessary flexibility and sustainability among diverse social actors for the achievement of an all-inclusive land reform. This is however, lacking in the current process of land reform. Inputs from poor people and vulnerable, who often lose out benefits of reforms are critical but, this is often ignored by the more powerful who control such programmes. Larbi (2006:9) asserts that the design and implementation of LAP does not seem to have been participatory. Instead, local elites, chiefs and experts are often selected to debate the issues of formalizing the customary (Aryeetey et al, 2007). Robison et al (2006) talking about the connection between social capital and poverty intimate that '... unless the poor accept formal institutions they will be excluded from the advantages of the formal economy. However, if formal institutions are to gain attachment values from the poor, they argue, the poor must be able to participate in their creation and maintenance in order to realize benefits from their existence'. Nevertheless, concerns raised about LAP in Ghana, suggest that design and implementation processes have excluded certain groups or individuals. The majority of the less powerful, who has no voice, are only made to accept the interest of the more powerful in society (Amanor, 2010). With the exception of one of the chief linguist who claim was invited to attend a meeting on land in Accra, no of the people I spoke to remember ever been invited for such meetings. Clearly these people are cut off from discussions that centers on their interest and survival.

State definition of social land rights: generally, rights to land are socially constructed. However, in Ghana, these r~~Rights to land in Ghana~~ are first acquired through customary processes and then confirmed by statutory laws, with the award of a title certificate. In the community of study, it was observed that people hold a 'bundle of rights' in land, which are socially constructed, dynamic, overlap but has no legal support and enforcement rights. However, LAP recognizes only four forms of rights or interest in land (allodial, usufruct, leasehold, and tenancy and occupancy) and ignores the others. It attempts to streamline a process of 'elite capture' by placing the allodial in the hands of the chiefs (Wily-Andy and Hammond, 2001). Access to customary land is based on complex, multiple and overlapping rights. In corroboration to what Berry says (Berry, 1993), the informants claim that acquisition of land is based on

several forms of rights and base on different types of memberships, that shapes 'the mobilization and exercise of power and the terms in which rights and obligations are defined' within the group and the community (ibid:6).

Any change in rules of access affects age, gender, ethnicity, social status structures with a community. By definition, the allocation of allodial rights to the head of land owning community automatically makes him the sole owner of the land and the fate of other usufruct holders becomes questionable. Instead of allowing the customary to prevail and define itself the state defines what the customary interests in land should be. Such 'strict' creations as found in the LAP, based on legality alone risk becoming a potential source of alienation and exclusion of less powerful social actors- women, youth and migrants within the farming communities. This may breed social conflicts as customary systems transforms to suit the circumstance of the day. Amanor (2009) maintains that failure to examine carefully the inconsistency in, for example land use rights and allodial rights could generate a bigger obstacle to the success of the LAP in terms of its ability to facilitate processes of equitable access to land.

Opportunistic behavior of Elites: Sonin (2002), points out that the premise that increasing value of land or property will automatically compel the wealthy to invest in public policies or institutions aimed at streamlining inefficiencies is wholly untrue. This in a way seem to be the case and the challenge land reform processes face in Ghana. Aryeetey et al (2007:3), reports of the situation where people are not prepared to give up their parochial interest in land and focus on national interest. Some informants told me that since land in the community is mainly owned by individual extended families, and not chiefs, the latter would prefer having access to and control over such lands in order to increase their power and control over the people. As a result of this, the chief and his elders have in recent times been making attempts at claiming what they (the traditional leaders) believe are stool lands. This is already creating tensions in the community between those occupying such lands and the traditional leaders. This issues according to some informants are been supported by some politicians behind the scenes for their political gains. The traditional leaders however deny this argument and claim they need the land for development projects that will bring maximum benefits to the entire community rather than benefiting only a few.

The fallacy of social capital

According to Grischow (2008), projects and policies based on social capital and social cohesion often risk misleading and/or reproducing deeply seated inequalities. He suggests that historical processes that often produce social hierarchies and inequality within 'traditional' communities should be avoided. It is argued that traditional leaders have often used their positions to usurp large acreages of land unto themselves, their families and in some cases friends. This creates differentiation among community and family members, which could lead to disputes and confrontations over land issues. Reversing the ownership of land into the hands of these chiefs as suggested by LAP could be a

great disadvantage to the poor and a burden on agricultural development in the country. Access to allodial rights to land, confers power to land holders and the gains they make from land can reinforce their power over the people and thereby gives these power wielders opportunity to insulate themselves from resistances, confrontation and mob actions, by using the police, courts or government machinery. The use of some politicians by traditional leaders and the 'push' of policy to invest the allodial in traditional leaders against the wish of the people are clear manifestation of the fallacy of social capital's cohesion ideology.

Explaining the paradox

The study argues that land reforms programmes in Ghana have not succeeded in streamlining land inequalities. Instead policy makers have been influenced by the more powerful, rich and local elites to have their own way. Thus government and other powerful citizens (local or national) have colluded to sabotage the process of land reforms in order to continue to reap benefits from the already worse situation. Like other countries in the developing world, the Ghanaian community is heterogeneous and unequal (Larbi, 2006; Berry, 2009) often fraught with structural inequalities and power relations usually based on wealth and political capital. In such cases, the wealthy, elites and more powerful seek the opportunity to invest in community structures that allows benefits to accrue to them.

Sonin (2002), points out that 'if the rich have enough political power to choose the level of public property rights protections, the economy could be locked in a stable long-run equilibrium with poor public protection of property rights' (pg.2-3). In a rising land value economy or sector, the wealthy and more powerful people within the community, invest in social institutions that enable them to continue to have access to secure land (Berry, 1989, 2009). Access to such land and for that matter continuous access to the land, reinforces their access to local power structures. This provides opportunities for them to influence authorities, policies or reforms. The poor is unable to invest in such social and political institutions because, such investments may cripple their already poor financial positions. A policy of compulsory and expensive registration of land could be tantamount to exclusion, loss or transfer of land from poor to the rich. This process is likely to increase inequality, insecurity and land poverty. The increase in inequality will create further inequality and poverty and stifle economic growth (Sonin, 2002). It will constrained agriculture and creates more problems of food insecurity in the end.

To support this action by the rich, intentionally or unintentionally the state enact laws that allows it to expropriate land in name of national development; enforce laws on land registration to compel landholders, through expensive mechanisms to compulsorily register and title their lands or support the wealthy to acquire land as a third party. Thus using their power, wealth and positions within the society, the elites and powerful people will always attempt to establish corrupt relations with the state apparatuses and advocate for costly contractual activities as a way of ensuring security and improving efficiency. In the same way, traditional leaders and wealthy people in the community provide

accommodation for land secretariats and governmental officials as a way of helping support government projects but in the end, their activities proves to be supporting their own interest of influencing decisions. Activities such as hiring a lawyer to write deeds and employing cartographers and surveys to demarcate land boundaries associated with land registration may be unaffordable by the standards of the poor and vulnerable. Yet, policy makers who aim to reducing poverty may still pursue it. Fearing their lands will be taken away and may lose everything, if they fail to abide by the policy of compulsory registration of land, the poor will quickly arranged and sell out their lands to the rich. Chiefs and the state will use their allodial rights and compulsory acquisition rights respectively to confiscate lands belong to the poor.

Thus in a society of unequal land distribution, insecurity of tenure and uncertainty of access rules, the powerful rent seeking land lords will have the incentive to push for legalization (re-definition of land relations and not how benefits are to be transferred). They then get into registering their lands with the state and invest in social relations within the customary set up, all in a bid to fortify their relations to land. Through these actions the less powerful within the society, are prevented entry into the land market, so the rich people can enjoy the share of the market or rent alone or at the expense of the poor.

Generally, the more powerful support the introduction of such land policies so they can frustrate systems and nodes within the policy that tend to support poor people's interest and suffocate the imperfections of markets, which provides avenues for them to increase their wealth. They often take the lead to attend workshops, represent their views and register their lands. They frustrate or subvert any policy aimed at project the interest of the poor by raising the cost of participation beyond the reach of the poor. For example in Ghana, all such meetings and workshops are held in the cities, away from the poor in rural areas, language used in discussion is English, attire for such meetings are usually very formal, and registration centers made inaccessible and costly. Thus the rich supports introduction of new policy but attempt to restrict entrance of the poor into the land market and distribution. Thus by these activities, they perpetuate their interest and treat that of the poor as no decision.

Thus generally the processes involved in changing the customary land relations are not pro-poor; it has always favour the already favoured, while inflicting high cost of access on the poor, disadvantaging them from having interest in that which will help secure their land and investments. This implies that while neoliberal policies, from which land reforms emanate, are touted as that concerned with promoting equitable growth, the study shows that, such neo-liberal policies have the tendency to be less concerned with the poor's interest in land, which goes beyond only the terms and conditions of access. It may be more concerned with building secure property rights for the wealthy and elites at the expense of the poor, whose interest lies more in how to invest in land and increase productivity. Thus the weak nature of state policies and institutions lead to exclusive tendencies with benefits accruing to the more powerful in society.

Conclusion and suggestions

This paper addresses the question 'who benefits from land reforms in Ghana and how'?

While it is acknowledged that the LAP is a bold attempt by the Ghanaian Government and its international development partners, to tackle the innumerable challenges facing land administration in Ghana (NLP, 1999) the findings in this paper show a clear case of a gap between policy (ideology) and practice (social reality) and the need to put in a stop gap measure to ensure a break from the past, if the current project (LAP) is to help correct problems within the land sector of Ghana.

Theoretically, economic growth is said to occur if improvement in property rights protection and reduction in rent seeking activities thrive. However, in the absence of these, economic growth may be stifled, increasing inequality and poverty. Instead of benefiting from increasing land values, many rural farmers are rather losing the land resource that provides their households with a livelihood and survival.

Clearly the question of how and what kind of policy intervention is required to ensure equity and conflict free land allocation under the putatively negotiable customary land tenure systems still begs the attention of policy makers and researchers. Arguably, I contend that weak institutions, regarding land tenure systems and inequality are sources of injustices in the rural land sector and require immediate and adequate attention to revamp them.

An in-depth understanding of the local practices of changing land access, control and use rights as well as relations of power and structural inequalities within the customary tenure systems is necessary. This will require equitable participation and involvement of the poor in the design and implementation of land reform policy. Reform should be able to capture the interest, aspirations and voices of local people, details of locally specific land governance systems and structure, practices and mechanisms of allocation of rights to land in its dynamic state or processes. Such people are often co-opted or ignored completely in discussions of such matters. A deliberate attempt is required to unconditionally include a large section of ordinary stakeholders across the divide, particularly the poor and vulnerable and not necessarily the heads of such communities, like chiefs and family heads in an atmosphere of respect.

Rather than carried out at the state level alone, community based approach may be of critical importance here. State and local administration budgets and capacity should be beefed up. Such land reforms usually focus on national and sometimes regional and ignore district and community level, including chiefly land administration outfit. Professional training in the area of land law, survey, planning and administration among others is critical.

Finally, I would like to quote James Ferguson's (1994: 281) statement; 'subalterns know the tactics appropriate to their situations far better than any expert does'. The poor and vulnerable smallholder farmer can represent their concerns and interests in more effective, appropriate and coherent manner than any expert can do.

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ⁱ The title *The Marriage of Anasewa* is taken from a Ghanaian play written by Professor Efu Sutherland of the University of Ghana, Legon. This title is adopted in this work to tell a story about land transaction or reforms in Ghana.

ⁱⁱ Simply, customary tenures can be seen as a balance between group and individual rights and obligations, with land ownership being held at group levels

ⁱⁱⁱ The, 1992 Constitution of Ghana, defines customary law as 'the rules of law which by custom are applicable to particular communities in Ghana (Constitution of Ghana, 1992)