

**LAND TENURE AS A CHALLENGE TO THE SUSTAINABILITY OF THE AMOKWAO  
COMMUNITY RESOURCE MANAGEMENT AREA IN GHANA**

By

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**ABSTRACT**

*Sustainable livelihoods of fringe communities is said to be one of the major challenges facing sustainable management of protected areas. This paper investigates the nature of this challenge by linking land tenure and sustainable livelihood to the successful implementation of the new concept of Community Resource Management Area (CREMA) in Ghana. Analyses of data gathered by a combination of individual and group interviews, as well as focus group discussions, established that security of land tenure was critical to all stakeholders. A simple local land title registration system to stem the problems emanating from the current traditional practices that undermine the sustainability of the CREMA concept was identified as crucial. Since this will lead to the documentation of the most predominant land uses in rural Ghana, the role of the various land sector agencies cannot be over-emphasised.*

Key Words: Land Tenure, Wildlife, Conservation, CREMA

## **INTRODUCTION**

Globally, there has been a trend to move away from strict regulatory conservation towards approaches that recognise the importance of people living in fringe communities in the conservation of wildlife (Wild Life Policy, 2000). In Africa, this has resulted in various national programmes aimed at conserving wildlife through the empowerment of fringe communities. In Ghana, the Wildlife Division of the Forestry Commission is establishing Community Resource Management Areas (CREMA) in line with this global trend.

The CREMA concept places considerable emphasis on the devolution of authority to fringe communities as a mechanism for creating the incentive and responsibility for wildlife conservation to those who are its users and beneficiaries. This is considered critical because it touches on the core business of the Commission which include:

- a. Regulating the use of forest and wildlife resources,
- b. Managing the nation's forest reserves and protected areas, and
- c. Assigning the private sector and other bodies with the implementation of forest and wildlife policies.

According to the Forestry Commission Corporate Plan from 2004–2006, the implementation of the CREMA concept was on course with over ten of the CREMA areas surveyed and mapped out for participatory land use planning across the country (UNDP, 2004).

The Amokwao CREMA, which is one of the ten, was established in 1999 but became operational only in November 2003. As one of the major stakeholders of sustainable development and the preservation of biodiversity around the Ankassa area, the Amokwao CREMA identified conflicts related to land alienation as a threat to the achievements of their objectives. The conflicts were mainly due to lack of security of tenure, especially for agricultural land use. A sustainable local land administration system that is fair, efficient, cost effective, gender sensitive, and capable of enhancing land tenure security in line with the current policy directions, especially with regard to the Land Administration Project (LAP) was identified as a major incentive for enhanced community participation to guarantee sustainable management of the Ankassa protected area.

The desire to minimize the local land tenure security problems motivated the Amokwao CREMA to commission a study to determine the nature of the conflicts and to find ways of guaranteeing security of land with valid documentation through a process that will be acceptable at the local level and also be operational within the overall national policy framework for local land administration. This paper uses data gathered from that study to analyse the challenges of sustaining the Amokwao CREMA.

### **The Research Problem**

In Ghana, there is plurality of land holdings and administration that are poorly articulated, thus, causing problems of contradiction and conflict. The situation is exacerbated by complex and complicated Government institutional arrangements for land administration (Kasanga and Kotey, 2001; Grant, 2004).

Land registration has in modern times been used as a strategy to secure title. The options for land registration systems include Private Conveyance, Title Insurance, Deed Registration, and Title Registration (Grant, 2004). The latter, which is generally considered the most secure, has also been described as having little to offer, especially to the rural people (MLFM, 2001). This calls for devising a means that is cost effective, simple, and capable of guaranteeing security.

The importance of a secured title cannot be overemphasized. It is on record that over 26,000 land cases lingered in the Ghanaian high courts at the end of 2000. There was also an estimated additional 900 new ones each month in the first half of 2001 (MLFM, 2001). Wars have been fought over land and many lives have been lost directly or indirectly as a result of land disputes. Recently, Ghana's urban areas have been confronted with the challenge of land guards whose operations have led to serious insecurity including the lost of precious lives. With increasing population and unemployment, the urban phenomenon is manifesting itself in the rural areas as well.

In many rural areas, land acquisition for all purposes, including agriculture, is based on the traditional system and this had been based on trust with little need for documentation. Unfortunately, even where several conflicts and wars have been traced to the traditional system of land allocation, the modern methods of land registration has not been used as means of controlling such conflicts.

On the positive note, however, a secure title is a key factor to poverty reduction and wealth creation. It is essential to stimulate the development of land (Palomar, 2004). Given the key role of land as a determinant of access to economic opportunities, the way in which land rights are defined and assigned to households/enterprises, in terms of ownership or possession, and the way conflicts emanating from these transactions are resolved (e.g. through formal or informal means) can have far-reaching social and economic effects. Providing poor people with access to land and improving their ability to make effective use of the land they occupy is central to poverty reduction and empowerment. It also promotes economic growth, private sector investment, and good governance. In the case of fringe communities of protected areas such as the Ankasa forest reserve, access to agricultural land can determine the risk of collapse of the CREMA concept because farmers in the area will resort to exploitation of the resources in the reserved areas, as a major means of livelihood instead of being supplemental. The search for the solutions to this intractable problem of security of tenure and access to land in the Ankasa traditional area essentially involved finding answers to the following research questions:

- What type of land administration system(s) is practised in the CREMA area?
- What are the interests of the various stakeholders with regard to land in the area?
- To what extent can the insecurity associated with land be linked with the interest of the stakeholders?
- What are the prospects for the implementation of a local land registration system in the CREMA area?

## **THE SCOPE AND METHODOLOGY OF THE STUDY**

The geographical scope of the investigation was limited to the Amokwao CREMA area comprising of eight fringe communities around the Ankasa Conservation Area. The Ankasa Conservation area is an important eco-tourism site in the Jomoro District of the Western Region of Ghana and it was established under Legislative Instrument (LI) 1085. The District is located between Latitudes 04° 55', 05° 15'N and Longitudes 02° 15' and 02° 45'W and shares common boundaries with Wassa Amenfi and Aowin Suaman districts to the North, Nzema East to the East, La Côte d'Ivoire to the West and the Gulf of Guinea to the South.

A multi-faceted approach involving the use of different methodologies of data collection and analysis was used for the study. The preliminary work began with a desk study to gather secondary data on

issues, such as local land administration regimes, customary land administration practices in Ghana with particular reference to the traditional area concerned, local and national land laws, policies, and other related issues.

As part of the process of gathering primary data, interviews and focus group discussions were held with individuals, as well as some groups who were identified as key stakeholders to determine their views, observations, and interest in the land administration system in the area.

The focus group discussions were held with the Chief of Mpataba and his elders, traditional leaders of the eight CREMA communities with their subjects and farmers living outside the eight CREMA communities but farming within the area.

### **Land Administration Practices in the Amokwao CREMA Area**

The Amokwao CREMA is a community based association whose members occupy farmlands around the Ankasa forest reserve. Apart from food cropping, they engage in fish farming, snail and grass cutter rearing. These activities are the mainstay of the inhabitants of the communities. The members of CREMA are both indigenes and migrants, who negotiate for land for the activities mentioned above.

The security of any land transaction depends on the identification of the rightful owners, as well as the customary practice, with regard to land administration. A good insight into the two aspects is, therefore, needed to determine the roots of the existing situation and the nature of the challenges of sustainable land alienation devoid of conflicts.

### **Land Ownership**

In the Ankasa traditional area, the Divisional Stool, represented by the Chief, is generally considered as the owner of the land because he holds the land in trust for his subjects (i.e. natives). Natives can own land individually or collectively as members of families but they cannot enter into any transaction with anyone especially non-natives without the consent of the Chief.

The Omanhene or Paramount Chief does not play any significant role when it comes to land transaction. Courtesy, however, demands that he be informed about developments taking place on the land. He is

expected to endorse all documents covering land transactions within his jurisdiction, which includes all the lands around the Amokwaw CREMA communities.

The communities within the Amokwaw CREMA fall under the jurisdiction of two divisional stools (i.e. the Mpataba and Nuba stools). These two stools are purported to own the land and, therefore, they constitute the sources of the various land acquisitions in the area. However, there are conflicting claims of ownership of certain portions of the land amongst the two chiefs.

Whilst the Mpataba Chief claimed ownership of the land around Sowodadzim, Paradise, Frenchman and Old Ankasa, the Nuba Chief also claimed that all the land around the eight Amokwaw CREMA communities, including those mentioned by the Mpataba Chief, belong to his stool.

The Mpataba Chief backed his claim with a search report (No. 403/Vol 20) dated February 8, 2005 from the Lands Commission relating to an area covering 181.34 acres of land around Sowodadzim, Paradise, and Old Ankassa. The report indicated that there was nothing in the records of the Lands Commission indicating that someone had an interest in the said land. It is important, however, to note here that the fact that the Lands Commission does not have any record showing ownership of the said land does not mean that the land belongs to the Mpataba Chief. This is especially so because many land owners have not registered their lands so the records of the Lands Commission are not complete.

The attempt by the Mpataba Stool to use a search report to claim that the Mpataba Stool lands had been demarcated and the boundaries drawn was a clear indication of how desperately the traditional authority was yearning for the demarcation and documentation of stool lands. Even though the report was not sufficient proof of ownership, the divisional chief was relying on it in the absence of any other document to establish his claim of ownership.

There were some individuals and families, who were not chiefs but claimed ownership of certain portions of the land within the CREMA area. Such ownership is often traced to the early settlers who were given portions of the stool land. There is a portion of land in Amokwaw which is now regarded as a form of “family land” by the people because it was given to the original settler by the stool in 1912. These stakeholders including lessees sometimes enter into transactions with tenant farmers as if they

were owners. This multiple ownership poses a great concern to the farmers within the Amokwaw CREMA. There is definitely no way any land administration system can be implemented without sorting out the rightful owners of the land and, therefore, those eligible to enter into land transactions. In the absence of well demarcated and mapped out land areas, the chiefs resort to maps drawn for other purposes, such as timber concessions, to indicate boundaries of their lands.

### **Procedure for Acquisition of Land for Agricultural Purposes**

The hierarchy of traditional authority starts from the Sub-Odikro or the Odikro who are the community leaders to the Chief. Within the CREMA communities there is only one Odikro (i.e. the Amokwaw Odikro). The others are all Sub-Odikros. The Odikro is vested with the power to initiate land transactions. The Sub-Odikros have oversight responsibility over life in their communities. They have no proprietary right when it comes to land administration. They direct people who express interest in land to the appropriate authority (i.e. either directly to the Chief or through the Odikro to the Chief).

Any person interested in acquiring land presents customary drinks and some money to the Chief. The person is asked how much land he/she is interested in after which he/she is shown a portion of the land to cultivate. Until lately, the exact boundaries of such lands were not defined. Therefore, the farmer simply starts cultivating the land until he/she meets another farmer cultivating or weeding from the other direction. The boundary between farms was fixed using temporary features, such as trees and shrubs. This mode of demarcation and allocation is the source of the numerous boundary disputes mainly because they are often not documented. With increasing population, the number of farmers and the number of land transactions would become too many to be committed to memory, especially over time and generations. This underscores the need for documentation of the land transactions. The farmers are now being encouraged to prepare documents to cover their tenancy arrangements. These documents should essentially cover the boundaries and the arrangements for the allocation. Documentation of all transactions and boundaries within a short period will clear disagreements and establish security; this is the major challenge.

## **Tenancy Arrangements**

The tenancy arrangements refer to how the rights to the land are administered between the land owner and the tenants. The importance of the nature of arrangements cannot be overemphasised because it determines, to a greater extent, the type of documentation that will be most appropriate. The three main types of arrangements that are being practised in the Ankasa Traditional area include renting, abusa, and abunu.

### ***Renting***

Some of the farmers were given the land to farm and in return pay ground rents to the stool annually. It is the responsibility of the Office of the Administrator of Stool Lands (OASL) to collect the rent on all stool lands that have been rented out. The rent collected for the year is then shared between the OASL, the District Assembly, the Stool, and the Traditional Authority.

The mode of assessment and collection of the rent is complicated mainly due to the fact that the exact acreages of many of the farms are not measured and documented. Although the Chiefs gave out the land they were not directly involved with the assessment and collection of the rent from the farmers.

The study revealed that all of the parties concerned were not so pleased with the rental arrangements. The OASL rent collectors were suspected of colluding with farmers by negotiating with them to pay less and the little that is collected is normally not properly accounted for. Consequently, the stool ends up losing revenue. The Chiefs were not happy with the mode of distribution. They claimed that sometimes their share of the rent was either unduly delayed or not paid. They would have wished to be more actively involved with the collection of the rent and they would further prefer that their share of the rent was given to them directly instead of passing through the traditional council. The OASL in the regional capital, Takoradi, confirmed the resentment of the Chiefs about the distribution of the stool lands rent.

### ***Abusa Arrangements***

Under this arrangement, the farmer acquires the land and bears all the cost associated with the cultivation of the farm. After a number of years, three to five years for example, when the crops are grown, there is a sharing in a proportion of 1:2, where two parts go to the farmer and the third part goes to the land owner which could be the stool or a family.

However, different interpretations were given with regard to the interest shared. Some of the farmers within the CREMA communities agreed with the views of the chiefs that only the crops should be shared under the abusa arrangement. According to the Chiefs, the land is leased to the farmers based on the lifespan of the crops and the land reverts back to the stool. For example, if the farmer cultivates oil palm, the land should revert back to the owner after the felling of the trees. Other farmers were of the view that the sharing involves both the crops and the land. In this scenario, the farmer will in effect have a freehold interest in the land. These varying views pose a challenge when it comes to documentation.

### **The Abunu Arrangements**

In the case of the Abunu arrangements, the sharing between the farmer and land owner is 50% for each partner. This usually applies mainly because the land owner has made some contribution to the cultivation of the farm. This is particularly the case when the land is not a virgin one. It could be that the original forest had been cleared by someone who is not available to work on the said land so a farmer comes in to farm on the said land. Here also varying views, similar to what has been expressed under the abusa arrangement, exist.

In almost all instances though, the lands given to the farmers through these arrangements were without any written agreement or documentation of any kind. Some of the farmers subsequently prepared agreement papers whilst others did not. About 85% of the farmers do not have any agreement papers of any sort. There were no meaningful steps taken to clarify the boundaries of the parcels of land they occupied. In addition to the ambiguities surrounding the procedure for acquisition of land and the general conditions under the various arrangements, the farmers were expected to contribute towards traditional activities like the celebration of Kundum festival, etc.

This situation was responsible for the numerous conflicts amongst farmers, between farmers and landowners, between farmers and the officers of the Game and Wildlife Division and inaccuracies in the payment of ground rent. The conflicts and misunderstanding over land were compounded by the absence of boundary demarcations and conflicts of ownership among the landowners/chiefs or stools. These conflicts adversely affect the contributions expected from the CREMA in support of the preservation of the Ankasa National Park, as well as their own livelihood. The conflicts have become

frequent and this could be traced to the demographic developments in the district, in general, and the CREMA area, in particular. With a high population growth rate of about 3% in the district, which is predominantly agrarian, scarcity of land has resulted in frequent attempts to review the tenancy agreements, especially with the numerous migrant farmers who constitute about 75% of the total population of the CREMA area.

### **Stakeholders and their Interests in Land Alienation**

The major stakeholders, with regard to land in the area, include both individuals and institutions. They are the Wildlife Division of the Forestry Commission, the Traditional Authority, the District Assembly, Farmers, the District Directorate of the Ministry of Food and Agriculture, the Office of the Administrator of Stool Lands, Lands Commission, Town and Country Planning Department, CREMA Members, and some individuals. The analysis of the interest and expectations of these stakeholders are presented below.

### **The Wild Life Division of the Forestry Commission**

The main interest of the Ankasa Wildlife Division of the Forestry Commission is the protection of the Conservation Area. However, in view of their rather limited staff strength (i.e. only 32 staff to police an area of 509 km square of protected area), they are seeking to involve the fringe communities. This is especially so since the hunting activities of these communities have resulted in a reduction in numbers of major wildlife species, such as Elephants, Bongo, Bushbuck, Dikers, Giant Forest Hogs, Monkeys, etc.

In pursuance of their interests, encroachment on both the buffer zone and the protected area happens to be one of the major sources of conflict between the Wild Life Division and the fringe communities. Although the boundaries of the protected area have been well demarcated with pillars; encroachers remove them. Some chain saw operators and hunters enter the protected area to cut/harvest timber, cane (rattan) and chewing sticks, and kill the protected game and wildlife. Sometimes elephants from the protected area stray out and destroy farms.

### **The Traditional Authorities**

The traditional authority which comprises of the Paramount Chief, the Divisional Chiefs, Odikros, and Sub-Odikros were well aware of the importance of documentation in guaranteeing peaceful land transactions. In recognition of the critical role of land registration, a Natural Resource Committee was set up by the traditional authority to develop a format for registering land transactions. Unfortunately, due to lack of resources the Committee was finding it difficult to work.

The traditional authorities were interested in documentation to enable secure their own interest in the land (i.e. ownership). They were also interested in the documentation of all land transactions because they were of the view that it could facilitate the Stool land revenue (rent) collection efforts.

It was evident from the study that some conflicts of interest exist between chiefs, OASL ground rent collectors, farmers, and the District Assembly with regard to the collection, distribution, and utilisation of the ground rent. This has made some chiefs to make demands from tenant farmers directly and this confuses farmers because they see it as double payment for the same land.

The expectations of the traditional authorities were that all farmers (especially tenant farmers) should be encouraged to make site plans and indentures to be endorsed by the traditional authorities. Such documentation will reveal original lessees. This will help to avoid the problems that usually arise when tenant farmers invite their relatives and friends from other areas and in turn give out (or sublet) land to them. A difficulty then arises when it comes to documentation because the relatives would also like to have documents to cover their portions of the lands sublet to them.

The establishment of a strong Secretariat of the Traditional Council to handle and monitor land transactions and documentation is essential to ensure that the divisional chiefs maintain credible records.

### **The District Assembly**

The District Assembly and its decentralised departments, such as the Town and Country Planning Department, were not directly involved in the land acquisition process. The Assembly's interest was in the ground rent collected by the OASL for development. The Assembly is, therefore, interested in a local land administration system that will generate sufficient stool land rent for development. The DA's

expectation is a peaceful coexistence between tenant farmers and their landlords, sustainable development of the protected area, alternative livelihoods for fringe communities, land demarcation, and documentation as a solution to the conflicts with regard to land ownership.

The Town and Country Planning Department prepares planning schemes for only towns or the built up areas. They do not prepare schemes for farm lands. It is, however, possible for the department to team up with other relevant departments, such as survey and agriculture to prepare schemes for agricultural lands.

### **Farmers**

The farmers in the eight CREMA communities constitute a major stakeholder when it comes to land acquisition. Their views and expectations were collated from all the eight communities. Apart from Amokwao and Sowodadzim, which were established as early as 1912 and 1960, respectively; the rest of the communities were established from 1983-1987.

The inhabitants of the Amokwaw CREMA communities were predominantly settler (or tenant) farmers, who constituted 75% of the total population and were made up of Fantes, Ewes, Krobos, Kusasi, Dagarti, Gomoa, etc. The native Nzemas constituted only 25%. The sub-odikro in Paradise (which was established in 1993), is himself a migrant from Great Ningo. The district's population growth rate of 3% confirmed the farmers' assessment that land was getting generally very scarce. This is evidenced by the rising trend of drink money that prospective tenants pay to the stool. The drink money which used to be as low as G¢1.5 increased to about G¢300, as of 2006.

The general perception of the farmers about land ownership was varied, as stated above, which sometimes contradicted that of the traditional authority. Those under the abusa system were of the view that the sharing of the crops included the lands so they could own their share of the crops together with the lands. This was in direct contrast with the view of the traditional authority where the land was not supposed to be included in the sharing.

The tenant farmers were worried about the numerous and changing conditions for acquiring land. Farmers in Paradise were the most confused because, at the time of acquisition of their farmlands, they

paid G¢0.20 per acre to the lessee and the arrangement was the Abusa system, but the lessee kept changing the rules. Some farmers later paid G¢2.00 per acre. Later the Chief intervened and abrogated all agreements with the lessee and all tenant farmers had to pay G¢10.00 per acre, after which the abusa system became operational. They also alleged that the OASL revenue collectors were not giving them receipts for rents that they paid. Some of the farmers here were also told that they should pay allegiance to another stool that was also claiming ownership of the land.

There were many conflicts due to disagreements over who owned the land and had the authority to lease the land to the tenant farmers. There were also many conflicts over boundaries, which normally occurred during acquisition because of the lack of proper delineation of land boundaries. The farmers were desirous of contributing towards the demarcation and documentation of their land holdings with the hope this will clarify matters and reduce the conflicts, but they were afraid of the cost.

The main concern of the farmers included multiple claims of ownership of the lands leading to multiple payments of rents and drink money. There was also no standardization in terms of the value of drink money and rent demanded; the arbitrary nature of these demands was viewed by farmers as exploitative. In some communities, like Faya, tenant farmers never paid drink money at all under the abusa system, although they obliged to contribute something to the Palace in times of need.

According to the farmers in Frenchman (established in 1986), the land was acquired from Nana Nuba through the Odikro after payment of drink money. The farmers were simply asked how much land they needed and they were shown places to start weeding. They were told that later the chief will send someone to come and look at the extent of the land they had weeded but no one came. This resulted in conflicts. Many requested for 60 acres but they finally got only 30 acres. The chief asked the farmers to prepare site plans and submit them to him and he even went further to introduce a surveyor to them but they did not trust the said surveyor. Some of the farmers at Nfante New Town (1983) got surveyors to measure the land but when they sent their documents to Lands Commission they were ignored.

The farmers in all the communities within the CREMA area were interested in the protection and security of their farmlands. Their specific expectations were as follows:

- For the surveillance and demarcation of farmlands so that they will be able to determine the actual sizes and boundaries of their farmlands.
- To contribute to the Government in return for assistance from them.
- For permission from the officials of the Wildlife Division to fish in the Ankasa River, fetch wood, cane and rattan from the reserve.
- For CREMA to help them with farm inputs, such as fertilizer.
- For a mechanism to be put in place to address challenges facing farmers and landowners with regard to the processing of documents which currently tend to take too long a time in addition to the complex and costly nature.

### **The District Directorate of the Ministry of Food and Agriculture (MOFA)**

MOFA is interested in the security of tenure of farmlands because it facilitates farmers' access to credits and other inputs, including fertilizers, which ultimately affect production. According to MOFA, many farmers had problems with their farmlands mainly due to multiple claims over ownership and lack of documentation to back claims. The other cause of the litigation was that of succession because successors at times refused to recognise the standing agreement between their deceased parents. Some family members, after the death of the one who gave out the land, come up with different terms altogether or chased the farmers out of the land. Now that land was becoming very limited, land owners were resorting to actions that often caused conflicts and litigation.

According to MOFA, the land alienation practices were changing with time. In some places, the Abusa system was gradually being replaced by abunu. Ropes are now being used to measure farm sizes instead of the arms length which used to create problems because the lengths varied according to whose arms were being used.

To reduce the pressure being caused by landlessness, it is better to promote alternative livelihoods, such as rabbit rearing, snail farming, mushroom farming, grass cutter rearing, cabbage and other vegetable cultivation, etc. MOFA expects farmlands to be properly demarcated and documented to help solve the frequent land disputes in the area because litigation impedes agricultural activities which ultimately negatively affect farmers' livelihoods. MOFA was prepared to collaborate with other agencies, such as the survey department, to demarcate the boundaries of farmlands.

### **Office of the Administrator of Stool Lands (OASL)**

For the purpose of this study, the regional head of the Office of the Administrator of Stool Lands (OASL) and the District Officer stationed at Elubo were interviewed. According to the Regional Office, the OASL had observed that titles to lands were rather fluid with some farmers using OASL receipts to prove their titles to the land in court. The chiefs were generally against the break down provided by the Constitution for the disbursement of stool land revenue. There was no mechanism to monitor the use of the rent distributed to ensure that it was used for the intended development.

Since there are often no dimensions and boundaries of the farmlands, rent estimations were arbitrary, and in some instances yields were being used as a guide. Due to staff limitation, the OASL employed commissioned collectors who take 15% of what they collect. The commissioned collectors are supposed to be selected by the Traditional Authorities but this does not often happen. Whilst some of the commissioned collectors sometimes abscond with the money they collect, others are simply not trustworthy.

The abusa tenancy ought to be terminal, but in practice there was no limit in terms of time. The impression was that once the tenants performed their responsibilities, they could hold the land forever. The nature of the occupation was more or less a freehold, but not a freehold interest. The kind of right they were enjoying was more secure than what documentation would give. There was some agitation from the chiefs and the youth for something to be done about the perpetual tenancy.

Generally, subjects (or indigenes) do not pay for the land. Tenant farmers were supposed to pay except in cases where land was given as gifts. According to the OASL, if a farmer “buys” the land for cultivation everything belongs to the farmer so he/she pays only rent. However, if the person did not have money to buy, but was strong to work, then he/she could go into the abusa/abunu arrangement. It is wrong for such people to think that they should not pay rent. This is because the arrangement is like a business partnership with the farmer contributing his/her strength, whilst the land owner contributes land. What goes to the owner is the land price, which the farmer could not pay upfront. Then the farmer will have to pay rent on their part of the Abusa/Abunu. Unfortunately, the tenants usually do not want to pay the Abusa and also pay rent.

There are three types of practices with the Abusa system which were all stemming from the nature of the sharing that was being done.

- The first is where the money from the farm produce is shared.
- The second one is where the crops are shared.
- The third one is where the farm (not the land) is shared. This practice is more common. However, the farmer has the wrong impression that the land is also shared and, therefore, belongs to them.

It is the view of the OASL that if the land is taken and the people are not getting places to farm, then the economy should be expanded for the youth, especially to find other means of economic sustenance, else they will come back and force the farmers off the land. The farmers will then be left with no option but to resort to the protected area and its resources.

The District Office of OASL for the Jomoro District is based at Elubo. Unfortunately, due to limited staff and the response from farmers, the office focuses only on farmers who had documents and those areas where revenue collection was high. The district office alleged that some of the chiefs were not in favour of the preparation of site plans so that they could collect the rent directly from the farmers instead. Such chiefs suspect that if the farmers were encouraged to prepare site plans, then OASL will come in and collect the revenue and the chiefs will lose.

The Office was aware of the conflict between the Nuba and Mpataba stools. This uncertainty as to who wields power in the area had some implications on a number of issues, including the payment of the stool's share of the ground rent and which stool should the farmers pay allegiance to, in terms of their contribution to traditional rights.

The office has only one commissioned officer who even wants to stop the work because a lot of money was being raised there. Since OASL do not collect rents from farmers without plans, the rent collection was limited to only the cocoa farms.

Both the Regional and District offices of the Administrator of Stool Lands share the view that the farmlands should be properly demarcated and documented to ensure security. They expect that by doing so, the revenues collected in the area could be improved.

### **The Lands Commission**

The interest of the lands commission based in the Regional capital is that those who hold lands should prepare their documents and submit them to the Commission for the sake of the public records. It is, therefore, expected that proper documentation of lands in the area will lead to better management of land records.

There are no schemes covering farm lands. The available schemes cover only the towns. The Districts are being encouraged to prepare schemes. An individual farmer, after demarcating his/her land, can make a statutory declaration. The problem is that when the indentures are prepared, they are left under the peoples beds because they use quack surveyors.

With the implementation of the Land Administration Project (LAP), it is expected that there will be proper demarcation of lands. The project is trying to help establish the allodial boundaries in certain areas. The people are not sure of their boundaries so they are reluctant to publish them for fear of being challenged. Many stools do not have documents covering their lands. Those who have to, have kept them on their own without bringing them to Lands Commission for recording.

### **Linkages between Insecurity in Land Ownership and Stakeholders' Interest**

It was obvious that each of the stakeholders recognised that there was some insecurity with regard to land tenure. The traditional authority for instance recognises that their interest, with regard to the ownership of land, was under threat due to multiple claims over certain portions. This insecurity of ownership was mainly due to the fact that the lands have not been surveyed and mapped. This needs to be done and used to establish ownership. This is the greatest challenge and must be addressed by the Omanhene together with his divisional chiefs, Odikros and sub-Odikros. Funds have to be raised for the survey and demarcation of the lands in the entire traditional area as the first step.

The traditional authorities have also noted that lack of documentation of their transactions with tenant farmers affects the level of revenue mobilisation through the payment of ground rents. Merely criticising and rejecting the collection and distribution of the stool lands revenue collection system by the OASL was not enough. Resorting to their own means of collecting revenues was also not going to yield much because the acreages of farms were not known and arbitrary demands generated conflicts.

Proper demarcation and documentation will remove the fears and doubts about farm boundaries. It will also reduce conflicts among farmers and with landowners. It is also expected to encourage them to pay their rents without any resentment.

Insecurity in land ownership directly affects the willingness of farmers to pay ground rent. Also, some of the OASL revenue collectors were considering abandoning their jobs because it was not rewarding and this could be traced to the insecurity of tenures.

The purpose of the CREMA concept was to ensure participation in sustainable management of the conservation area. The Ankassa Wild Life Division of the Forestry Commission initiated the CREMA concept to enlist the cooperation of fringe communities in the management of the Conservation area. The level of cooperation or participation will depend on the security of their livelihoods, which also depends on the security of tenure of their farmlands. If they are chased away from their farmlands (as alleged by some farmers) they will have no option but to resort to the exploitation of the conservation area and its resources. They are likely to do so in an unsustainable manner because it will no longer be a source of supplementing their income, but rather the main source of income and livelihood. They are more likely to cooperate with illegal exploiters of the conservation area, which create more work for the Wild Life Division. The analysis here demonstrates that the success of the CREMA concept depends, to a large extent, on the security of tenure of farmlands, which is also in the best interest of all stakeholders, including the land owners.

### **THE PROSPECTS OF A LOCAL LAND REGISTRATION SYSTEM IN THE CREMA AREA**

There appears to be a growing informal land market with widespread conflicts over ownership, boundaries, and documentation bottlenecks. The situation has been worsened by a breakdown of the

trusteeship ethos and population growth. With discovery of oil in the district, the activities speculators are likely to trigger conflicts if the traditional practices are not modernised through documentation.

The prospects of establishing a local land registration system in the CREMA area are good because all the stakeholders recognise the need. The study revealed the desperate measures being adopted by stakeholders to lay hands on some form of documentation of their interest in land. The use of OASL receipts by farmers to show their ownership of farmlands, the use of search reports by the Mpataba chief, and the use of notebooks by the Nuba chief to record transactions are all indications of the need and willingness to have a local land registration system acceptable to all.

Also, the fact that some indentures were left in the regional lands office unclaimed indicates that a local land registration system that will avoid travels over long distances will be preferable.

The prospects for the implementation of a local land registration system depend on the interests and willingness of the all stakeholders within the CREMA area. They are all ready for change but the problem now is how to raise the needed money, determine what interest is to be captured, and resolve the land ownership problems, especially among the Chiefs of Stools. The prospects of a local land registration system could also be determined by examining the existing methods of documentation and how they could serve as a basis for an improved and acceptable method.

## **RECOMMENDATIONS FOR SUSTAINABLE LOCAL LAND DOCUMENTATION**

Documentation is aimed at transparency and this should start by documenting the procedures for access to land and the types of land holding arrangements. Currently the land alienation system does not see it necessary to document the payment of drink money. Although the chiefs may be reluctant to document the initial processes, the tenants would appreciate it.

It is recommended that any person who is interested in land in the CREMA area should contact the landowner who would then allocate a specific parcel of land (properly demarcated), on certain agreed terms. A simple document indicating the type of agreement (i.e. land holding arrangement and use), the parties involved, the duration and size of land will be considered as essential. This should be backed by

a site plan indicating boundaries that can be traced on the ground and a receipt indicating the payments made will be sufficient.

There should be four copies of the document including the site plan. One set will be kept by each of the following: the Natural Resource Committee, the Divisional Chiefs secretariat, the CREMA office, and the Grantee. These records can later serve as a very good basis for the public lands secretariats if they have to come in.

These processes could be enhanced if the DA could team up with the Traditional Authorities to come up with a scheme for the entire district. The traditional authorities were willing to participate, but they need to build the capacities of their land administration teams/set ups. A Natural Resource Committee has been set up by the West Nzema Traditional Council to see to land administration issues, but it is not well resourced. It may have to appeal to the Land Administration Project to come to its aid.

As indicated earlier, lands have been given out to farmers with no proper documents and this has led to boundary disputes. There is uncertainty as to the type of interest transferred and, for that matter, what should be recorded in a document. There is also the problem of the duration of the interest. Ground rents are also not being properly managed essentially because of the lack of proper documentation. With the allodial interest holders, too, there are conflicting claims as to who owns which part of the CREMA area. It is expected that documentation of different forms and the different levels will be critical for the resolution of the numerous conflicts in the area. The study revealed the urgency of this measure in view of the alleged non-availability of virgin lands which is being worsened by increasing population and unemployment, especially of the youth.

If nothing is done now, further disputes could arise and this could compound the already existing situation of insecurity for those who have entered into various agreements with regard to land holdings. The greatest threat, therefore, is that the Ankasa Conservation area could reach unprecedented encroachment levels. However, if the recommendations are implemented, most of these threats could be minimized if not removed entirely.

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