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**Legal Pluralism and Differential Access to Land and Forests: Implication of
REDD+ to Women and Migrants at Western Region, Ghana**

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DECLARATION

I, Konlan Samson Sambian, do hereby declare to the senate of the Norwegian University of Life Sciences (UMB) that, this thesis is entirely my original work and has never been submitted for any academic degree award at any other University. The sources of information other than my findings have been acknowledged.

Signature.....

Date.....

DEDICATION

This thesis is lovingly dedicated to the family of Konlan Lanbon, especially my mother for encouragement, my wife Gertrude Kansuk and daughter, Bridget Yenuyab Konlan for the constant love that sustained me throughout the process. I also dedicated this thesis to my best friend Nelson Dam, who supported me with documents and encouraged me in the study, always emphasizing that even the largest task can be accomplished if it is done one step at a time.

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LIST OF ACRONYMS AND ABBREVIATION

ASDA	Aowin Suaman District Assembly
CBFC	Community Based Forest Committee
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CFM	Community Forest Management
CREMA	Community Resource Management Committees
EPA	Environmental Protection Agency
FC	Forestry Commission
FSD	Forest Service Division
GDP	Gross Domestic Product
GOG	Government of Ghana
JFM	Joint Forest Management
LAP	Land Administration Project
MLNR	Ministry of Land and Natural Resources
NDC	National Democratic Congress
NDPC	National Development Planning Committee
NGOs	Non-Governmental Organization
OASL	Office of the Administration of Stool Lands
PNDCL	Provisional National Defense Council Law
REDD	Reduce deforestation and forest degradation
REDD+	Reduce emission from Deforestation and forest degradation, conservation and sustainable management
R-PIN	Readiness Plan Idea Note
UDHR	Universal Declaration Human Rights
UNDP	United Nations Development Program
UN-REDD	United Nations Reduce deforestation and forest degradation
USAID	United State Agency for International Development

ABSTRACT

Land is regarded as wealth creating and livelihood sustaining asset to gender and migrant farmers in the high forest zones in Ghana. However, the land tenure regime in Ghana is legally pluralistic and complex. Traditional authorities owned and control about 80% of land. Forest reserves are established on the land, which are managed by state agencies. Forest land with resources and timber on agriculture land except plantations are held, controlled and managed by the state in trust for the stool land owners.

The Idea of REDD is to reduce poverty and secure more sustainable development locally but this has gender dimension including migrant farmers. The nature of the legal pluralism in Ghana is likely to direct REDD benefit to land owners leaving women and migrant farmers who depend on forests and agriculture land for their livelihoods. The study will present land rights and exiting benefit sharing arrangements of gender and migrant famers and unfold their implication to REDD in the communities. It will be a useful guide to develop better benefit sharing mechanism that will include them. The study employed both quantitative and qualitative approaches. The quantitative data was gathered in 2012 but qualitative information was obtained from recent study.

It was found that the people practice matrilineal system of inheritance but women have limited land rights because land is passed to nephews and males of extended family. The women have only user rights. The existing sharing of benefit from land and forest has not factored in women. It was found that 9% of timber revenue given to traditional authorities for forest land ownership is used to maintain the status of the stool. The migrant farmers also have limited land rights and were engaged in share cropping arrangements and others were caretakers of cocoa farms. It was revealed that permanent migrants bought land but it is not recognized by the entire stool members.

It was found that both women and migrant famers use forest resources and land but they usually obtain permission from both the state and traditional authorities. Multiple legal systems make it difficult for migrant farmers to invest or benefit from forests and agriculture land. There should be land reform to regularize the traditional land tenure and adhere to human rights based approach. The authorities should follow strictly by the international human rights instruments, especially (CEDAW). This may enable women to enjoy bundle of rights to land and benefit from REDD activities. There should be land titling and registration in the villages to enable migrant farmers to own land and benefit from REDD activities.

1. INTRODUCTION

The significance of land to human survival and development has been acknowledged since time immemorial but there was not much pressure. Land continues to be adding value due to population growth, resource extraction and agriculture activities. These factors contribute to the shrinking of crop land and trigger deforestation (Pouliot *et al.*, 2012). In developing countries, rural households consider land as the most important source of security against poverty because it is regarded as wealth creating and livelihood sustaining asset (Duncan, 2004; Agarwal, 2002; Deere and Leo, 2001). Currently, sustainable development is the dominant paradigm guiding development thinkers to stress on land use and resource management as the focus of sustainable livelihoods in developing countries because livelihoods have high dependency on environment. However, over use of the environment has direct effect on the climate.

The forests in Ghana have been declining for many years especially since 1970s and many forest reserves are encroached because there is high demand for agriculture land and off reserves stock are depleted due to slash and burn method of farming. There are many drivers that cause deforestation and degradation but the underlying causes may include demographic, economic and policy influences (FC, 2010). However, the immediate causes are increase local demand for agriculture and wood products, specifically dependence on charcoal and fire wood as sources of energy. There are various stakeholders including women and migrants farmers in the high forest zones in Ghana competing for land and forest resources but usually have limited access to these resources and engage in both legal and illegal activities.

The government of Ghana has agreed to contribute to global efforts to combat climate change and has adopted a newly climate change regime-Reduce Emission from Deforestation and Forest Degradation (REDD). This regime involves conservation and management of forests meant to offer incentives for developing countries to reduce emission from forest lands and invest in low carbon paths to sustainable development (FC, 2010; Dumenu *et al.*, 2014). The agenda is not only reducing emissions but also offer financial and other co-benefits that will be distributed across wide range of stakeholders in the forest zones in developing countries. As a result, there have been multilateral climate change negotiations to create a mechanism for its implementation. However, there are local challenges associated with the REDD development in the high forest zones in Ghana.

Over the years Ghana has a strong agriculture base especially cocoa production, which leads to forest land use and resource extraction (UNDP, 2012). In addition, increasing food and cash crops production bring to mind challenging issues surrounding land availability, use and

management for improving standard of living. The access to land and forest resources are crucial to gender and migrants that are attracted to high forest zones in Ghana but seems complex how land is owned and controlled by women and migrants in the forest communities due to legal plurality.

Ghana shares common characteristics with other African countries in terms of high level of legal pluralism. The country has been identified by pluralistic legal system in which customary law, statutory law, religious law and constitutional provisions governing land coexist and overlap (Mechthild, 2006; Kasanga and Kotey, 2001). Local social institutions of land regulation have been supported by the state since colonial time. In the year 1986, legal reforms in the country incorporated all forms of land tenure, including customary law into a single statutory and common laws, which brought about the introduction of title registration and decentralized regulation by a national land commission (Sarpong, 2006; Agbosu, *et al.*, 2007). However, it is complex to understand how the plurality of legal orders offer land benefit to gender, migrant farmers and people with less power in the communities. The plurality of land tenure and management seems to be poorly articulated and appears to be in collision.

Customary lands in Ghana are territorial land ownership and these comprise lands owned by stools¹, skins, clans and families and *Tendamba*, which constitute about 80% of all lands in Ghana (Kumbun-Naa, 2006; Fiadzigbey, 2006; Sapon, 2006; Kasanga, 2002). These customary lands cover almost all the rural lands and some of the urban lands. “Customary title to land has always been considered to include forests on that land over which the head of the community has power to grant use rights to its subjects” (Yinka, 2011:7). The land supports the livelihoods of the majority of the population and the sustainable management of land in that nature is crucial to the socio-economic development of the rural people and the country. Traditional rulers (Chiefs) who are the occupants of stools and skins hold those lands in trust for their subjects. The chiefs are important stakeholders in customary land administration and play a key role in complimenting government’s efforts in the good governance in relation to land.

However, gender and kinship relation play a central role in the way in which land and productive resources are determined. For instance, under the customary land tenure systems, control of resources follows a defined gender segregated pattern based on traditional rules or

¹ Stool or skin refers to the seat of a chief of an indigenous state (sometime a head of a family) represents the source of authority of the chief. Stool or skin is a symbol of unity and represents the chief and his councilors.

norms, which the operations limit the land rights of women as compared to men (Mechthild, 2006). It has been noted that, women's access and control over productive resources including land are determined by male centered kinship institutions and authority structure in most communities.

In Ghana, property is inherited in two forms. These are patrilineal and matrilineal systems of inheritance. The systems constitute the principal source of indigenous laws and socio-cultural practices that govern inheritance. In most communities the two forms of inheritance tend to give more inheritance and property rights to men than to women (Duncan, 2000). As a result, the systems have stratified the society where men tend to have more economic dominance over women or own and control land in the family. Traditionally, in the local communities men are supposed to maintain and provide economic support for their wives and children in family settings.

Furthermore, females would jointly inherit the property (land) given to their prospective husband and that does not form part of the legal framework or regarded as right to own land. However, there are challenges concerning divorced, widows and unmarried women in relation to access to land in their parental homes. Most often than not, the brothers of these groups of women share the land and make good use with their wives. In some families, women get a piece of land based on compromise or humanitarian grounds but the rights to the land are not defined, which the women can claim ownership of land based on family ties (Vellenga, 1986; Kotey, and Tsikata, 1998). Moreover, migrant farmers that are in the forest communities face challenges of access and ownership of land but they are all engaged in farming activities and extraction of forest resources to support their livelihoods.

1.1 Statement of the problem

The people in the high forest zones in Ghana may like to benefit from land and other natural resources to be equally distributed and easily accessible by gender. However, in the communities there are complex issues surrounding inheritance. Women lack effective land rights because some women have land use rights but not rights of alienation while others receive less or nothing after the death of close people (deceased husband and parents) they are supposed to inherit. However, REDD is a global effort to create a financial value for carbon stored in the forests, offering incentives for developing countries to reduce emissions from forest lands and invest in low carbon paths to sustainable development. However, REDD+ goes beyond forest protection. The activities include sustainable management of forests conservation and enhancement of carbon stock (UN-REDD, 2009; Angelsen *et al.*, 2009). The core idea behind REDD+ is to make performance-based payment, which is to pay forest owners and users to reduce emissions and increase removals. These activities are considered as payment for environmental (ecosystem) services which has merits. It will provide incentives directly to forest owners and users to manage forest better and has the potential of clearing less forest land.

Ghana REDD Readiness Plan Idea Note (R-PIN) was approved by World Bank in 2008 and became one of the first African countries to fully develop a national REDD+ strategy. In addition, Ghana was recommended as one of the five countries to receive further support in the same period through the Forest Investment Program (FIP)-a multi donor trust fund designed to facilitate the transformational policy and institutional reform processes needed to help countries address the underlying causes of deforestation (Mayers *et al.*, 2010). There has been REDD+ activities going on in the high forest zones in Ghana and government agencies and forest stakeholders groups are exploring key opportunities and challenges that will be posed by REDD+ and it is clear that long standing legal and institutional gaps needed to be bridged at the national level.

However the REDD+ activities at the local level will even be more difficult if women and migrant farmers land rights are not addressed in the cocoa and forest frontiers. Notably, the REDD+ will pose threat to the livelihoods of women and migrants if its activities do not incorporate these group of stakeholders. In Ghana there are challenges related to effective, efficient and equitable REDD benefit sharing among various stakeholders including women and migrants farmers. However, these are the groups of people with activities associated with land and trees, which there is the need to establish clear benefit sharing that would not generate future disputes or conflicts in REDD designated areas in the high forest zone in

Ghana. There is no legislation that defines and allocates rights to women in relation to land and its benefits.

However, Ghana is a signatory to major international instruments that protect and enhance the legal position of women but part of the legal framework shows complexity of land rights and tenure systems of women. Moreover, the law of the country protects women's rights to inherit property but in reality their customary rights to land are insecure and they cannot own and control land in most communities (Fenrich, and Higgins, 2001). It is important to note that, under the traditional land tenure systems control over resources generally follows defined gender segregation based on traditional norms, which operate in such a way that they limit the land rights of women as compared to men. However, these issues are hardly documented and need investigation. The legal pluralism tends to favor men and affects the livelihoods of the women. In the forest communities most women depend on forest resource extraction and other petty business to support their living. This implies that the natural resources including land are exposed to exploitation for livelihood.

In the communities, migrant farmers land ownership and control are not clear. This could be the result of co-existence of different systems such as customary law, statutory law, constitutional provision and religious law in the regulation of land rights. This legal pluralism in the communities also presents special difficulties, particularly for the more vulnerable groups in the society including women and migrants farmers (Kasanga, 2002). The women access to land is mainly mediated through their lineage, marriage or contractual arrangements. However, there are limited cases of gift of land or purchase by women in indigenous society. In the villages, access to forest resources is very important to both women and migrants. These groups of people are engaged in various activities that cause deforestation and forest degradation.

The forest resources including land are accessed by both men and women. According to Siaw (2001), in the year 1992, it was estimated that about 20,000 hectares of forest reserved area were lost to agriculture or through fires and other human activities annually. In addition, it seems complex on how migrant farmers can benefit from REDD. Land owners may be receiving REDD benefits but women and migrant farmers that do not own and control land but depend on forest resources including land may not form part of the REDD activities.

1.2 Significance of the study

There is a lot of literature of institutions and ownership of land in Ghana but there is hardly documentation concerning women and migrants ownership of land, control and benefit from land. Land tenure system has been subject to research and debate for many years but there is no much information on gender relation and land rights. In the year 2012, there was a research conducted to establish poverty and sustainable development of REDD in the Aowin Suaman District, describing peoples' livelihoods, their access to and use of land.

Specifically, the focus was on income from land use, property rights, land tenure regimes, decision-making processes concerning land use and local perceptions and norms regarding use and conservation of forest resources (Konlan, 2012). The aim was to secure reduced deforestation through REDD which would influence local access to resources and may have the capacity to reduce poverty and secure more sustainable development locally. However, reducing poverty and securing development have gender dimension including migrant farmers. The decision-making on land use in relation to how land is owned and benefit from land could be shared to ensure equity to gender was not captured. In addition, how migrants could benefit from REDD to reduce deforestation and conflicts were not established.

Furthermore, the patrilineal and matrilineal systems of inheritance seem to discriminate women in terms of benefiting from land and marginalizing migrant farmers in the forest communities. To establish fair distribution of REDD benefit is crucial for its potential to reduce poverty, protect forest and avoid conflict in the forest zones. The study illustrates fair distribution of REDD benefit and unfolds REDD implications. Hence, it will be a useful guide to develop a better mechanism for REDD benefit distribution that will include women and migrants. In addition, the study will provide insight for further research, add literature on gender and land rights and may provide useful information for policy reforms to address issues relation to land rights, gender and migrant farmers in Ghana.

1.3 Objectives and research questions

Overall objective: The study is to document the ownership, use of agriculture land and access to forest resources in relation to women, migrants and their implications to REDD in Aowin and Suaman Districts in Ghana.

Objective 1: To document the property rights institutions of forest land, agriculture land and arrangements that prevails in relation to gender and migrants

What are the existing property rights institutions in the communities?

How are the property rights structure and access to resources in relation to gender and migrants?

Objective 2: To understand the ownership of land and forest resource, access to gender and migrants, benefit from land and their possible implication to REDD in Ghana.

What are the local tenure arrangement for women and institutions of land and forest resources in Aowin and Suaman istricts?

How benefit from land can be distributed to women and migrants in the communities?

1.4 Scope and Delimitation

The study was undertaken in one of the high forest zones in Ghana, Specifically Aowin and Suaman Districts in the Western Region. There are many settlements closer to fragmented forests in the districts but it was convenient to select six villages that REDD pilot study had been conducted to add knowledge and valuable information, which would contribute to REDD development in these areas.

1.5 Outline and structure of the study

The next will be chapter 2 where there will be description of the geographical location, economic activities, traditional norms and tenure arrangements that prevail to gender and migrants. Chapter 3 will be the presentation of theory and frameworks that are relevant to the study. Chapter 4 will present the methodology of the study. Chapter 5 will be the presentation of property rights of land, rights structure and access to resources in relation to Gender and migrants. Chapter 6 will present the local tenure arrangement for gender, institutions of land and forest resources and how benefits from land are distributed by gender and migrants. Chapter 7 will present migration situation in the forest frontiers. Chapter 8 will be conclusion and recommendation.

2. STUDY AREA

Ghana is a West African country and officially called the Republic of Ghana. It is situated between latitude 4° and 115° north of the equator. The country is bordered by Cote D'Ivoire in the West, Burkina Faso in the north, Togo in the East and Gulf of Guinea in the south. Ghana has a land mass of $238,535 \text{ km}^2$. The total forest zone is estimated at $81,342 \text{ km}^2$ and accounts for about 40% of the total land area and out of which about $17,845 \text{ km}^2$ are known to be under reservation (Siaw, 2001). The country depends on mainly gold, cocoa, timber and the recent discovery of oil deposit as foreign exchange earners. The total population is estimated at 24 million in the 2010 population census. The dominant occupations among the economically active population are agriculture, forestry and fishing.

However, agriculture, forestry and natural resources² form the backbone of the economy (Schandorf, 2007). These areas play very important role in the socioeconomic development of Ghana because they contribute to food security, provide raw materials for local industries, generate foreign exchange, provide employment and income for most of the population in the rural areas. They are the largest contributors of Gross Domestic Product (GDP), accounting for about 51%, contributing about 45% of all export earnings and 12% of tax revenue.

Hence they contribute to economic development and poverty reduction. The land holdings in Ghana are typically small. The average farm size is 2.27 hectares and more that 60% of farms are smaller than the average figure. These small size landholders are also involved in all production including the export oriented crops such as cocoa and pineapple (Chamberlin, 2008). In Ghana women play very important role in the sector including food distribution, storage, processing and marketing. Currently, women are engaged in clearing of land and cultivation of both food and cash crops but have limited access to resource than their male counterparts especially areas such as land, agriculture extension service, credit, education all of which combine restrain their ability to increase their productivity and incomes.

2.1 Geographical description of site and administration

The Aowin Suaman District lies in the mid-west part of the Western Region of Ghana. It lies between latitude ($5^{\circ} 25' \text{ N}$ and $6^{\circ} 14' \text{ N}$) and longitude ($2^{\circ} 30' \text{ W}$ and $3^{\circ} 05' \text{ W}$). It shares common boundaries with Wassa Amenfi, Jomoro, Sefewi-Wiaso and Juabeso-Bia Districts. It also shares border with Cote d'Ivoire to the West. There are two main rivers that run across the district (ASDA, 2006; ASDA, 2008). These are *Tano* and *Bia* along with numerous

² The natural resources in Ghana include gold, diamond, bauxite, manganese, silver, salt, petroleum, timber and limestone.

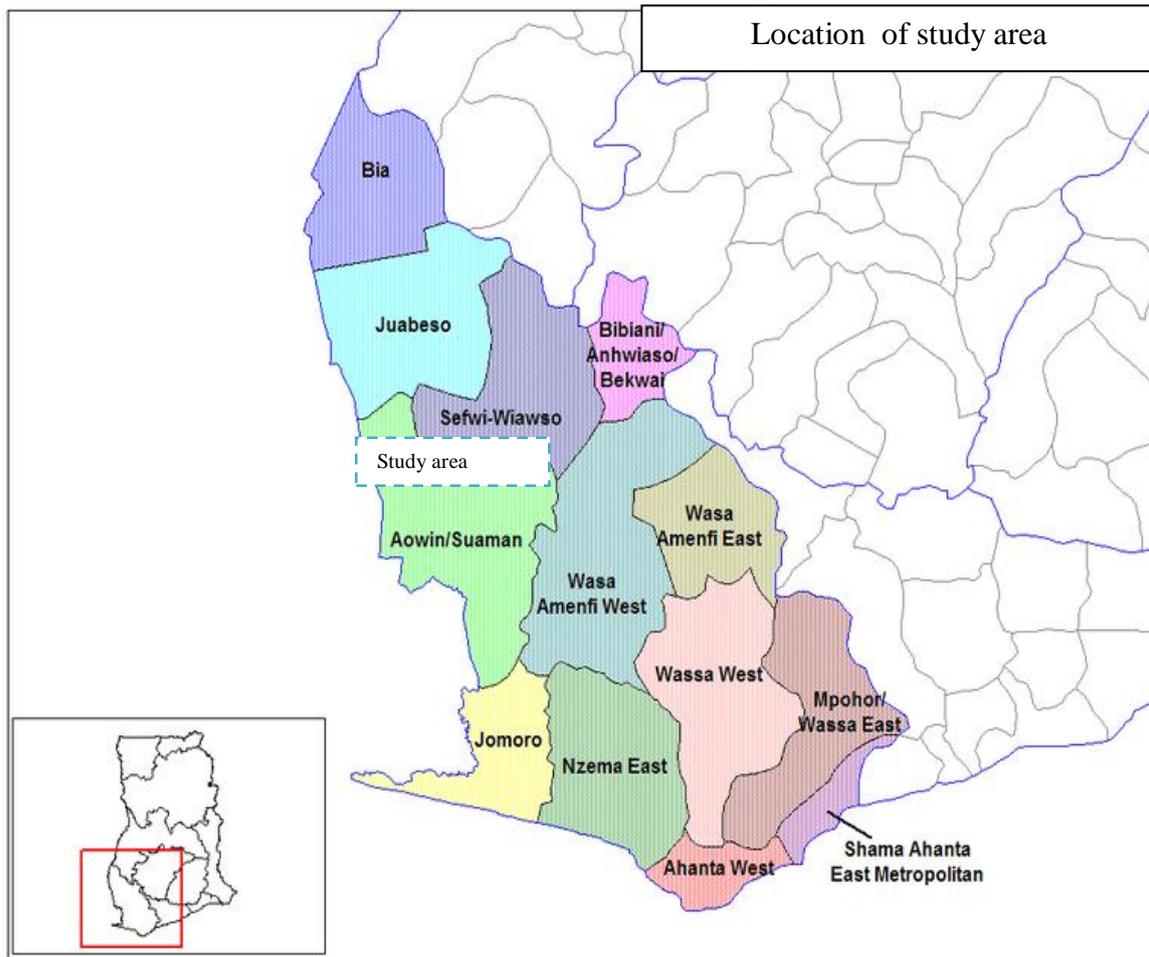
tributaries, which flow in the district all year round. The district is situated in the west Equatorial Climate Zone with mean-monthly temperature of 27 degrees Celsius. It experiences two rainy seasons. The major rainy season occurs from May to July and minor one occurs from September to October. The rainfall ranges from 1500 to 1800 millimeters annually. The vegetation covers are Moist Semi-Deciduous Forests, which Rainforests are located at the central and northern parts. The rainforest are normally forest reserves and sacred groves (ASDA, 2008). The forests are stocked with trees such as Mahogany, Odum, Dahama and others that have high economic value. As a result, many timber firms are operating in the Districts. In addition, the forests are also rich in natural resources and that attract various stakeholders including cocoa farmers.

However, the district was separated into two. Suaman District was created by the Government of National Democratic Congress (NDC) in the year 2012. It was carved out from the then Aowin Suaman District with Dadieso as its Capital. Aowin District maintains Enchi as its capital (ASDA, 2006). However, apart from infrastructural development both districts maintain the same characteristics because of geographical location and culture fabric of the people. In addition, the twin districts have separate traditional areas namely Aowin Traditional area with its seat at Enchi and Suaman Traditional area whose headquarters is located at Dadieso (ASDA, 2008). The traditional areas are the locations of paramount chiefs and where they rule with the support of other divisional chiefs.

In relation to governance, the District Assemblies are charged with the responsibility for community development, strengthening community participation in decision making and strengthening collaboration with traditional authorities to ensure effective revenue collection and utilization. The Office of the Administration of Stool Lands is responsible for the establishment of stool land accounts and disbursement of the revenue (Agbosu, 2005; Mahama and Bafour, 2009). The specific function is to collect and disburse all rent, dues, royalties and other payments in the form of income or capital, which will be distributed according to the provisions of the constitution of Ghana as follows;

- Ten percent will be given to the administrators and the remaining will be disbursed in the following manner.
- Twenty five percent will be given to the land holding stool through the traditional authorities for the maintenance of the stool in keeping its status in the community.
- Twenty percent to the traditional authorities.
- Fifty-five percent to the District Assembly within the area where the stool lands are situated.

Figure 1: Map showing Aowin and Suaman Districts in the Western Region of Ghana



2.2 Economic activities in the districts

The occupational structure indicates that 78% of the economic active people are engaged in agricultural activities which make agriculture to be the backbone of the economy in the districts. Specifically, the people are engaged in farming, forestry and fishing activities. In terms of farming activities, cocoa is the main cash crop grown but others crops grown in small scale include oil palm, rubber and coffee (ASDA, 2008). The major food crops grown but in small scale include plantain, cassava, rice and maize. In addition, the rearing of animals such as sheep, poultry and cattle on large scale is being undertaken by some farmers in the forest communities. The presence of forage plant species such as elephant grass and guinea grass all year round is the source of motivation. Besides that, high demand for animal protein makes poultry farming and sheep rearing necessary and the villages are considered as potential areas for investment. Hence small scale farmers combine farming with rearing of animals. The favorable climatic conditions and high fertility of the soil allow variety of crops to be grown and that attract a lot of migrant farmers. The areas have 9 forest reserves abound with a lot of

natural resources which the people are engaged in both legal and illegal extraction to support their livelihoods.

The remote nature of these forest communities from the coast makes access to fish for meals difficult and expensive. Hence the presence of large tracts of water logged areas within the district provides the greatest opportunities for private investors and community members to take up fish farming to reap the advantages of large market and demand locally and other districts (ASDA, 2006). There are over 90 fish ponds dotted over the two districts with outstanding area known as Asuoklo where about 40 fish ponds are managed.

The areas are endowed with gold deposits especially places such as Achimfo, Abokya, Acqui-Allah, Sewum and Atokosue, which people are engaged in surface mining in some areas and that provides employment opportunity to the youth. In addition, the districts have both small and medium scale industries (ASDA, 2008). The medium scale industries are timber industries. The small scale industries can be categorized into agro processing, wood processing, mining and handiworks. The agro processing is done by individual women, which require low level technology and greatly dominated by human effort. Furthermore, the small scale industries include carpentry and joining, auto fitting, cereal milling, local gin (*akpeteshie*) distilling, charcoal production.

2.3 The recognized land rights in the forest zones

In Ghana there is the recognition of different land rights which implies that land owners may have large bundle of rights. In addition customary land can be held by inheritance, gift, and purchase, pledge/mortgage. However, usufruct is land holding arrangements which has some elements of ownership. The usufruct may endure for life, or it may be for a specified number of years. In the latter case it is terminated upon the death of the beneficiary. Tenancy is referring to the right to use land for a specific period of time (lease) which has bundle of rights (Fiadzigbey, 2006). It is important to note that customary land tenure framework has different categories of land titles or interests. These include allodial title, customary freehold title, freehold title, leasehold title and other lesser interests in the land such as sharecropping arrangements

2.3.1 Allodial title: this type of title is vested in stools, skins, clans or families, which is the highest form of customary tenure in Ghana. As a result 80% of land in Ghana is held under customary title. Specifically the allodial title is held in trust with the head of the family or lineage (Kasanga and Kotey, 2001; Sapong, 2006). The customary law traditionally requires the consent of elders of the lineage in order for alienations of land by the allodial title holder to be considered valid.

2.3.2 Freehold title: this is common law freehold title and it is derived from a freehold grant (gift or sale) by an allodial rights holder. The rights to the land usually move from a customary framework on the basis that the parties explicitly agree that common law will regulate the grant and govern any disputes (USAID, 2011; Ankapong, 2015). Mostly this type of land hold title exists in the cities and in areas where chiefs have granted parcels of land as gifts or sold stool land to private beneficiaries prior to 1992, when the new constitution discouraged that practice.

2.3.3 Customary freehold title: this refers to the rights held by individuals or groups on behalf the owner in the community (stool or skin). The title is based on the idea that male descendants of the first settlers of an area have rights to use a portion of that stool land when they choose to exercise their right by cultivating the land (Sapong, 2006; Fiadzigbey, 2006). It has been noted that, the customary freehold title is conditionally perpetual and the holders may sell, lease or mortgage their rights if that have been recognized by community members. However, according to Sapong, 2006, leasehold, allodial title and freehold title holders can grant leasehold to individuals. The leasehold is a time bound right that varies whereas holders of allodial title may enter into a formal leasehold agreement for up to 99 years with fellow Ghanaians and up to 50 years with foreigners.

2.4 Sharecropping: This could be sharing of crops or farm (share tenancy) It is another common form of tenure arrangements in the cocoa producing areas. These are *Abunu* (fifty-fifty basis) and *Abusa* (two thirds basis) or *Do ma yenkye* sharecropping arrangements where under *abunu* arrangement, the tenant provides one-half of the harvest to the landlord and under *abusa* the landlord takes one-third of the produce (Agbosu, 2005; Fiadzigbey, 2006; Ankapong, 2015). These days the application of these principles have been changing because what a tenant or his landowner can get from agreed land depends on each relative's contribution to the farming operations. If the landowner has provided part of the farm inputs and capital in addition to the land that has been given out on the basis of sharing *abunu* will be applied. However, if the landowner's contribution is only the land, leaving the remaining resource investment to the tenant, then the tenant takes two-thirds and one-third will go to landowner.

2.5 Inheritance of land in the communities

The Aowin and Suaman Districts are dominated by Akan and it is the largest ethnic group in Ghana with many subgroups. The first indigenous societies that settled there were Brusas and Nzimas, which belong to the Akan group but the Nzimas finally moved to Half Asini. However, Akan group practices matrilineal system of inheritance whereas the migrant farmers

from the other parts of Ghana practice patrilineal system of inheritance but rarely practice that in relation to land. According to the matrilineal inheritance among the Akan ethnic group, fathers cannot transfer land to their sons but only to their sisters' sons or other eligible males of their own maternal kin. However, the mothers are free to pass their property on to their daughters (Quisumbing *et al.*, 1999; Vellenga, 1986). As a result, the matrilineal system of inheritance directs land to nephews or allocates land to male members of the extended family, leaving wives and nieces, which clearly show that women are excluded from inheriting land from parents.

However, this system of inheritance can be constraint and even complex when it comes to the transfer of land to women. There is an evidence of marginalization of women because of land value, the capacity of most women to put land to proper use and gender roles are defined by communities (Vellenga, 1986). Notably, in the study area kinship organization is a very important norm to every ethnic group. Among the migrant farmers and their patrilineal system of inheritance only males can pass kin membership onto their off spring and children are part of their mothers kin group whereas in the matrilineal inheritance only females can pass kin membership onto their off spring and children are part of their mother's kin. The principles of these systems are gender linked: male to male and female to female, which are traditionally recognized.

It is important to note that, among the Akan group it was common practice to see a son working on the father's land and moving out of the parents' home to go and work on the uncle's land. However, due to population increase and scarcity of land, children of the uncle who have interest in the land, brought tension to members of the nuclear family against the right to inherit the uncle's land (Gegzi, 2014). Moreover, parents use land rent to invest in their children education in the communities. However, the death of a male head of a family who is land owner and other properties created a lot of problems in the case of the matrilineal system of inheritance in these communities. As a result, the government of Ghana passed Intestate Succession Law (PNDCL111) in 1985 meant to protect members of nuclear family as opposed to extended family with the matrilineal system of inheritance in the distribution of the man's property on his death intestate.

The "section 3 of the law 111 provides the surviving spouse and children are entitled absolutely to a house (if any) and household-chattel-where household chattel includes furniture implements, books, private cars, jewellery, household livestock, home appliances, simple agriculture tools and all clothing and things used in the house. If there is more than one house, the surviving spouse and children choose first. All the properties, less the house and

household-chattel form the remainder” (Gegzi, 2014:18). This law was introduced to bring changes in the society especially to the nuclear family. However, women rights to inherit land was not well captured but has been left to the traditional norms. The instrument that aims at addressing the women’s rights is the international human rights protocols on females’ inheritance. In these protocols there is significant concern on female inheritance and property rights as an important pillar of social justice and equity.

2.6 International and domestic legal framework on women’s rights

Ghana is a signatory to international laws that aim at securing equality for women among other rights. Ghana has signed and ratified the International Convention on Civil and Political Rights, International Convention on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the African Charter on Human and People’s Rights. These instruments reflect Ghana’s commitment to ensure women equal rights law, both national and customary laws.

In relation to CEDAW, Ghana introduced Intestate Succession Law in 1985 to address women’s property (Gedzi, 2014). In addition, in reference to “Article 17 of the 1992 Republican Constitution of Ghana provides that all persons shall be equal before the law, and further that a person shall not be discriminated against inter alia on grounds of gender, ethnic origin, social or economic status. In affording equality of economic opportunity to all citizens, the state is specifically required by the Constitution to take all necessary steps so as to ensure the full integration of women into the mainstream of the economic development of Ghana” (Mechthild, 2006: 3). Under the Fourth World Conference on Women-Beijing Declaration in 1995, it was recognized that women’s poverty is directly related to absence of economic opportunities, lack of access to areas such as education, economic resources including land ownership and inheritance, credit, service support and their minimal participation in the decision making process. In line with that Ghana was required to formulate and implement policies and programs that would enhance the access of women, especially subsistence farmers in the rural areas, which will provide access to and control of land and other resources in order to increase incomes and improve household food security.

However, traditional practices and culture continue to limit women’s access to some rights especially productive assets and decision-making role in the family. For instance, social pressure based on culture of family and communities make women to relax insisting on their rights to land and would not take family members to court but handle cases traditionally (Fenrich and Higgin, 2001; Tsikata, 1997). In the societies, the role of family head is strategically important because he controls the family’s economic resources such as land,

capital goods and other financial resources. There is the perception that women need little or no property. This is typical in the patrilineal kinship system of some societies, where female child has fewer rights to deceased male parent's property than the male child.

2.6.1 Agencies responsible for Land management in Ghana

There are agencies in Ghana responsible for the governance of lands. These include National Development Planning Commission (NDPC), Ministry of Lands and Natural Resources (MLNR), Forestry Commission (FC), Lands Commission which comprises (Survey and mapping division, Land Registration, Land Valuation, the public and vested land), Office of the Administration of stool Lands (OASL), Department of Game and Wildlife, The Environmental Protection Agency (EPA), Town and Country Planning, District Assembly and various customary institutions (Sapong, 2006). These agencies coordinate in various ways to ensure convenient and peaceful distribution of land.

Specifically, there are two agencies: the Lands Commission and the Office of the Administrator of Stool Lands mandated to administer public and stool lands (Sapong, 2006). However, women access to land has no space in the activities of the agencies. It is assumed that women have access to land through marriage but men and women have rarely, if ever, had identical kind of claims to land, largely because men and women have very differentiated positions within the kinship systems that are the primary organizing order for land access in the traditional settings. Besides that, traditional land ownership and control is dominating among other institutions.

2.6.2 Forest legal framework in Ghana

There has been forest policy since 1948 and this was Forestry Ordinance, which is the core forest laws and has been revised from time to time. In the year 1993, the Ministry of Land and Forestry issued a draft of National Forest Policy, which precisely defined the aim of Ghana's current forest policy as the conservation and sustainable development of forest resources for maintenance of environmental quality and possible benefit to society (Blay, 2005). In the same year, many Acts were passed by parliament including Forestry Commission Act 453, which reconstituted the agency responsible for coordination, regulation, management and utilization of forest and wild life resources.

In the year 1994 there was an implementation of Forest and Wildlife policy that witnessed significant changes both in structure and form of the forest sector. In the same year institutions were transformed into cooperate Forestry Commission in accordance with 1992 constitution. As a result, there were a number of strategic initiatives introduced to improve and develop the forest and wildlife resources. These included good governance, transparency,

equity and poverty reduction. In addition the policy introduced equitable sharing of management responsibilities such as benefit sharing, which include increase benefit flows to local stakeholders, especially rural poor people, their participation and general accountability. However, the 1994 forest policy and the associated reforms did not halt the degradation of forest resource base especially in the rural areas because the primary indigenous energy resources are from the forest. Besides that there is an increased land use change based on cocoa production in the high forest zones. In addition, natural resources are still regarded as public goods, free of charge and lack restriction of use in the forest zones due to multiple system of legal ownership of natural resources-land and forest. It is important to note that whenever there is a clash of obligation in relation to the natural resources, the national laws operate and set the indigenous systems aside even though Ghana recognizes the traditional laws.

In Ghana the agency that was first established to manage lands is Office of the Administration of the Stool Lands in 1950s. The purpose was to put in place a mechanism that would ensure equitable benefits sharing accruing from stool land resources by the entire stool members (Kumbun-Naa, 2006). In line with that 1992 Constitution of Ghana in article 267(2) stipulated the establishment of the office, which was passed by parliament in 1994 as the Office of the Administration of Stool Lands Act 1994, (Act 481) which started effective operation from that effect. Among others the specific aim was to enhance stool lands revenue mobilization and disbursement to facilitate sustainable management of stool lands to benefit the present and future generation.

Another branch is the Customary Land Secretariat which was established by the local land owning communities and supported by the government aim at improving land management administration in the communities (Blay, 2005). This secretariat is under Ghana Land Administration Project (LAP) which was implemented by the Ministry of Lands and Natural Resources. The duties of the Customary Land Secretariat include the provision of accurate land records at the local level that can be accessed by the local communities and the public. This is to ensure clarification of ownership and land use rights.

2.6.3 Actors involved in the management of Ghana forests

The agencies involved in the management of Ghana forest are the Forestry Commission, the Environmental Protection Agency and department of game and wildlife. In reference to Article 191 of the constitution of the third republic of Ghana, the Forestry Commission was established under the Act 405 of 1980 and it is a cooperate body assigned to broad responsibility of regulating and managing the utilization of forest and wildlife resources

(Blay, 2005). Furthermore, the coordination of policies in relation to functions assigned to the agency includes the following.

- The management, maintenance and protection of forests
- Establishing of forest reserves in the nation
- The control of deforestation in the nation
- Management of all forests land including mangroves and sacred forests
- Coordination and conducting of research on conservation of forests
- Manpower training for field worker and administrators
- Regulation of the timber industry
- Collection of royalties and revenue in respect to forests
- Promotion and marketing of timber and other wood resources

However, the commission was also made responsible for administering of all laws related to forests. This implies that it was mandated to monitor the institutions within the forest sector in order to ensure that they conform to the existing legislature. The decentralized agency in the commission is the Forest Service Division at the district level, which forms part of the machinery for promoting the timber industry.

Currently, there is ongoing natural resource management program, which has a long term comprehensive adoptable program for investing in the forest sector. This program aims at pursuing a coordinated country led technical assistance, which is a subset of the Forest Sector Development Master Plan arising from the 1994 forest policy. The goal is to protect, rehabilitate and manage national land, forest and wildlife resources sustainably through collaborative management and to increase the income of the rural communities that own these resources.

Following this program, there was an introduction of community forest concept, which is a forest management approach in which local communities are empowered and grassroots organizations are strengthen and charged with the responsibility for stewardship, management and also benefiting from the forest resources (Asare *et al.*, 2013). In this program, the Forest Service Division at the districts is responsible for the collaborative forest management, which has been defined as the partnership between the local people and the Forest Service Division. This is to ensure that the management of the forest resources is equitable and more efficient. As a result, the Forest Service Division has instituted a system that involves the communities in decision making and implementation of forest operations to promote effective forest management. Furthermore, in the rural areas there are Community Forest Committees (CFCs) that are forming the structure spearheading community involvement in the forest

management. The committees ensure that the formation and operation of the structures in their areas are integrated in the local structures through bye-laws and the traditional government structures in their duties (Asare *et al.*, 2013). The members are representatives of community stakeholders.

In addition, there is community forest management program which compose of Participatory Forest Management planning component, Community Resource Management Committees (CRMCs). Another is Community Forest Management (CFM) local residents who have developed institutions, norms and rules, fines and fees for sustainable resource management. There is also Joint Forest Management (JFM) which can be viewed as policy and programs initiatives that allow government, donors, private sector interests and NGOs to collaborate with communities in the management of the forest resources in Ghana.

It is through this initiative that REDD could fall under the protection and management of forest for compensation by foreign donors as payment for environmental services. The introduction of REDD has brought the designation of some areas as Community Resource Management Areas (CREMAs). It is a mechanism noted as innovative natural resource governance authorizing to manage their natural resources for economic and livelihood benefit (Asare *et al.*, 2013). The CREMAs are meant to fill the gap by giving communities the rights to manage and benefit from their resources since the constitution of Ghana vests ownership of land in the stool or skin whereas the government is for trees or natural occurring resources for economic gain.

Moreover, considering the nature of forests and amount of resource available, the government in Ghana has directed attention to investment in the high forest zone in the western region where there is large potential for emission reduction and carbon sequestration through landscape restoration by intervening in the forest reserves and improving connectivity in the landscape. Hence, there is dialogue between agencies and cocoa farmer to reduce the driver of deforestation such as agriculture expansion especially cocoa production and over extraction of resources (MLNR, 2012). All programs including REDD are seeking to promote sustainable land use in the high forest zone by contributing to reduce emissions, improve conservation practices and enhancing carbon stock as well as bringing forest under sustainable management in the villages. As a result some forests at Aowin and Suaman Districts have been designated as REDD pilot study areas.

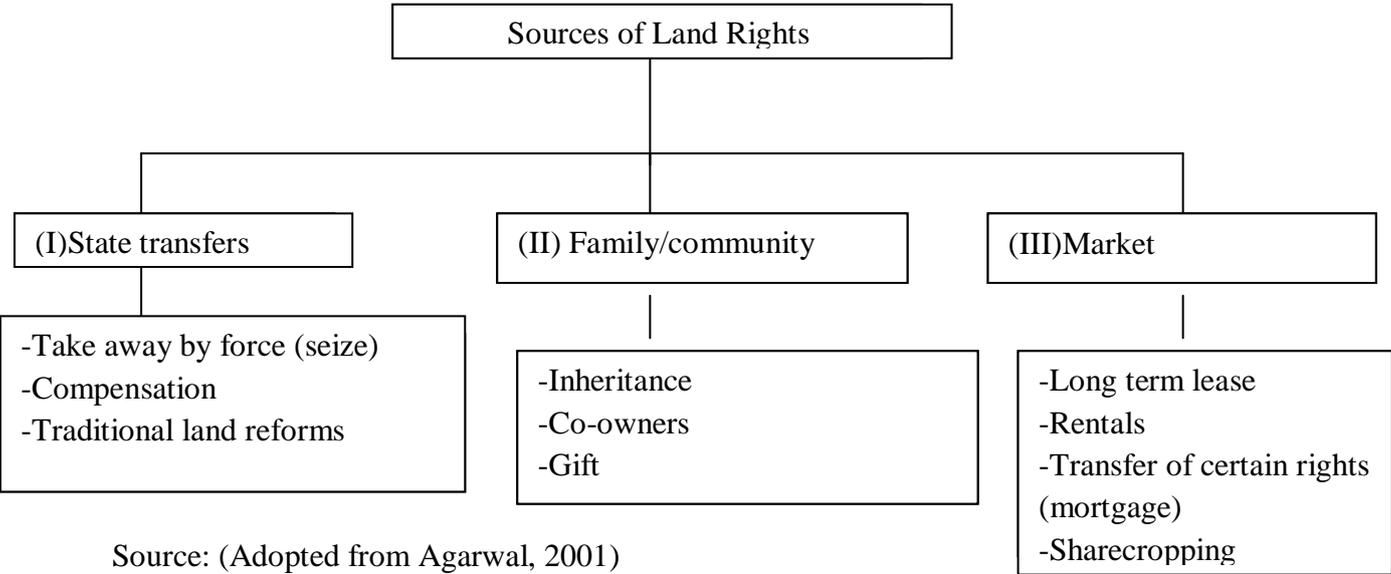
3. THEORETICAL AND CONCEPTUAL FRAMEWORK

This chapter presents theoretical and conceptual framework that will be used to analyze gender land rights and migrant farmers’ position in terms of land ownership and rights. The new experiments and prospects for enhancing women’s land access in South Asia by Agarwal, 2002, will form the theoretical bases. I will begin with sources of land rights to gender and the position of women in state transfer of land, family and market. I will further relate the importance of land to women and welfare arguments. There will be presentation of the concept of legal pluralism in relation to land in Ghana. In addition, the study will be informed by a conceptual framework that centers on four variables: actors, benefits, property rights and outcomes and employ Schlager and Ostrom (1992) typology of property rights that distinguishes use rights control rights and authoritative rights. These will be linked to REDD benefit distribution to women and migrant farmers in the study area.

3.1 Recognized sources of land rights

Land rights are considered as property rights that are subject to claims, legally and socially recognized and enforceable by external legitimate authority. It can be village level institution or some higher level body of the state (Agarwal, 2001). Land is the most significant form of property in rural areas in developing countries and critical determinant of economic well-being, social status and political power.

Figure 2: Sources of land rights to women



Source: (Adopted from Agarwal, 2001)

There is substantial evidence that economic resources from land are always in the hand of male household members and do not benefit females in the same level (Whitehead and Tsikata, 2003). However, there are sources of land ownership and rights for all but women

ownership and effective control of land are not easy. The figure 2 above shows sources of land rights which is not explicitly gender biased but there are constraints identified indicating women struggle for effective land rights in all stages.

Land rights can stem from the state. Land can be taken away by the government-State (I) from people that are engaged in land litigation or conflict, which the land can be transferred to different people for use. The government can compensate land owners and transfer the land to different users or as antipoverty measure (Agarwal, 1994; Agarwal, 2002; Bryceson and Jamal, 1997; Bruce, 1989). The government can recognize traditional land reforms and may integrate that in the legal framework, which will enable the government to have control over land and can distribute the land to users.

Moreover, land rights can come from family or community (II) as inheritance, co-owners where there are use rights. Individual land owners in the family or community can transfer a piece of land to another user (Bruce, 1989). The rights given to the user can be in the form of ownership or usufruct (use rights). Next is land market (III), which can occur in different forms with different degree of rights. There can be long term lease which is legally and socially recognized. In the rural areas in developing countries people rent a piece of land for small scale farming. There is another transfer of certain rights on the land as mortgage. In agrarian communities, typically land marketing occurs in sharecropping where there are terms of agreement in sharing, which is socially recognized.

3.2 Women position in state transfers, family and market

The government land transfers occur as part of land reform programs or settlement schemes for displaced people in time of disaster. It can occur as antipoverty measure to relocate land to small scale farmers. However, irrespective of these programs, which the land transfers occur, land is usually given exclusively to men even in communities that practice matrilineal system of inheritance (Deere, 1987). Land distributions to landless through government transfers are given to men but women may benefit from their husbands.

This bias in government transfers can be explained in terms of conflicting interest and social attitudes. There is common assumption that men are the primary cultivators and breadwinners whereas women are helpers and dependents. Traditionally, there is a wide spread social perception of women appropriate roles in the family and dependents. These perceptions have influenced matrilineal communities on women inheritance of land and families do not allot land to women even if it is legally due them (Davison, 1988; Tsikata, 2006). The transfer of land to men will benefit the family including the women. As a result, governments' biasness of land transfer to men is attributed to their role as breadwinners.

There are two types of inheritance in traditional societies in developing countries. These are patrilineal and matrilineal systems of inheritance (Agarwal, 2002). The patrilineal inheritance is where property is passed through the male line and matrilineal is where property is passed through the female line. A woman cannot easily own land, control, dispose and mortgage land of the father or deceased husband. Specifically, in the patrilineal system of inheritance there is strong resistance to endowing women with land. In matrilineal system of inheritance, women have full control of what they have inherited but the issue of land is yet to be resolved in most communities in developing countries.

In some developing countries, it is not easy to determine how many women inherit land because there is the absence of gender disaggregation information at the local and national levels but it exists within families (Deere, 1987). The available information is usually the assessment of ownership patterns on small scale studies. However, it is practical that women with land owning fathers usually lose land to brothers and do not receive their legal due as daughters. Besides that, few women as widows that their deceased husbands owned land can inherit the land. They may be given use rights but certain degree rights may be obtained if they jointly use the land with their adult sons but would rarely inherit the land of the deceased husband.

Another area of ownership and control of land by women is through purchase. However, this option will depend on financial, infrastructure and institutional support. The purchase is limited because individual rural women seldom have access to adequate financial resources. Another constrain that stems from the purchase of land is the fact that when the money is there the land is not usually available for sale to individual women. The best way to improve women access to land and financial capacity is through external support (Hall, 1999). A group of landless women can use subsidized credit provided by the state to purchase or lease land to cultivate it jointly. In South East Asia, this collective endeavor is important supplementary means for women to acquire land.

3.3 Importance of land to women

There are several arguments in favor of enhancing asset ownership particularly land rights which is believed to be a way of raising household welfare through increased female bargaining (Quisumbing, 1994; Allendorf, 2007). Besides that other researchers emphasize the positive effects of women's income on household welfare and viewing asset ownership or control of land and other resources as determinant of household outcomes (Quisumbing and Maluccio, 2002; Doss, 2006). However, the importance of women access to land is based on three interconnected arguments, which can be grouped into four broad categories. These are

welfare, efficiency, equality and empowerment. These areas may not be exhaustive in this paper but the most important elements that explain the importance and interconnection will be covered.

3.4 The welfare argument of land rights for women

It is evident that in developing countries women's rights to land could reduce household's risk of poverty and destitution in the rural areas. The reasons for giving land to women stem from positive effects of offering women economic resources independently from men and the specific advantages associated with the rights to land resources including forest. It has been established that the risk of poverty and well-being of a woman and her children depends significantly on whether or not she has direct access to income and productive resources such as land and not just access through her husband or other male family members (Quisumbing and Maluccio, 2002). Besides that, female-headed household with no male support is complex and needs no emphasis because access to land is negligible. Moreover, a woman's economic status cannot be judged adequately in the family because of the position women have in relation to land and its resources.

Furthermore, some women whose parental or marital households are classified as rich peasant can be rendered economically vulnerable in the absence of independent economic resources as noted in women who are divorced, deserted, separated and widowed. This has been noted in Indian States of Maharashtra and Rajasthan, where divorced, deserted or widows were found working as agriculture laborers on farms of their well-off brothers or farms of their brother-in-laws. It is common in many developing countries where women married into prosperous households, being left destitute and forced to look for wage work and in worse case they even beg after widowhood.

However, there is an argument in favor of women's independent access to economic resources. For instance, the right to land is very strong because in communities where there are limited non-farm opportunities, land serves as a security against poverty, especially meeting basic needs (Quisumbing and Maluccio, 2002). Access to land has both direct and indirect supporting ways. The direct ways could be seen through production possibilities such as growing crops, fodder, vegetable plantations, rearing of animals and others. The indirect advantages include access to credit from financial institutions and private resources. It can serve as a mortgage or saleable asset during crisis.

As a result, vulnerable groups such as widows and the elderly, ownership of land and other resources strengthens the support they receive from relatives and increasing their bargaining power within the household (Agarwal, 1994). However, usually the biases in intra-family

distribution of benefits from household resources are exclusively male rights in land, which renders household less susceptible to poverty and would not provide protection to all members especially the females in the family. Therefore there is strong case for supporting women's effective rights in private or public land independently of men. The rights in public or private land are important for poverty alleviation measure for women in poor households and women of rich households given risk following marital breaks.

The welfare case for women's land rights emphasizes that even if the plot is small it will be at least economical viable for well-being. The people opposing female inheritance in land claim that women inherence in land might end up inheriting economically viable assets that are exclusively men. According Agarwal 1994, this can only be a problem where cultivation is the only sources of subsistence but not where land-based production is only one area of livelihood diversification. For example, a piece of land that does not support cereals production to economically sustain a person or family can still be used for plantation or to provide fodder to animals. The welfare of land rights to women does not deny the need to expand women's employment and earning opportunities in non-land or non-farm activities. Indeed it is important to see land as one income source among others and think along the lines.

3.4.1 The efficiency argument of land rights for women

The efficiency effects of women having land rights are complex and can be considered base on the situation (Agarwal, 1994). It is noted that in variety of contexts in developing countries women are usually operating as household heads with primary and sometimes sole responsibility for organizing cultivation and ensuring family subsistence, but without title to the land they are cultivating.

3.4.2 Equality and empowerment

The equality and empowerment concern with women position relative to men especially the ability of women to challenge male oppression within the home and in the communities (Agarwal, 1994). The equality argument for land rights to women can be approached in different ways but two ways will be emphasized in this section. Firstly, land rights can make notable difference to women's bargaining power both in home and communities. It enhances the confidence level and sense of worth which will enable them to negotiate better deals in the wage labor market, increase the respect they command in the society.

In addition, land rights facilitate women participation in village decision making and other areas that need joint support by all members in a society (Agarwal, 1994). Anytime there is a social movements on issues related to land, NGOs and civil society help women to gain

access to land because it a way of empowering women and gives the opportunity to access loans. For instance, financial institutions grant loans to women that have land registered in their names because it is safer.

Empowerment can be defined in different ways by various writers but in this context “Empowerment is a process that enhances the ability of disadvantaged (‘powerless’) individuals or groups to challenge and change (in their favor) existing power relationships that place them in subordinate economic, social, and political positions” (Agarwal, 1994:39). It manifests in situations where there is individual resistance or group mobilization. Secondly, women with land titles will empower them economically and strengthen their ability to challenges associated with social, political and gender inequalities. Moreover, land rights would enhance women’s freedom to achieve in non-economic spheres. However, according to Jackson (2003), land rights alone may not guarantee the power of women within the family or in the wider society because ownership of asset may not necessarily increase the bargaining power. The women rather need legal backing and support such as formal law, norms and ideas which can equally give them power.

3.4.3 Gender relations

The term gender relations is referring to the relations of power between women and men, which are revealed in many practices, ideas and representation including division of labor, role and resources between men and women. Gender relation is not uniform and historically static across societies. This can be reflected in different cultures, religions and communities. The relations prescribe to women different abilities, attitudes, desires, personality traits, behavioral pattern and others (Agarwal, 1994). Gender relations are socially constructed but not biologically determined and varied over time and place. It is important to note that the gender relations are characterized by both cooperation and conflicts. The context is maintained or changed through a process of contestation or bargaining between actors with differential access to economic, political and social power.

However, the contestation varies and based on the gender relation and the context as well as the arena. In a particular form, it ranges from women’s covert individual act of resistance to overt a group mobilization, which also varies in degree of overt action and converts group mobilization. In term of context, it has a spectrum of economic, social and political rules, institutions and practices (Agarwal, 1994). For instance, contestation can be seen through how women are perceived and ideologically constructed or what economic returns their work commands or the combination of these two areas. Moreover, this contestation can be seen in the arenas within which it takes. For instance, in a family, household, community, market and

state. These arenas are interactive and are not independent and can reinforce or weaken the impact of each other. However, the elaboration of contestation here is related to gender rights to land and how gender equality occurs within the family, household, community, market and state.

3.4.4 The Power to control or maintain access

There is always the need to clarify the relationship between power and access to resources. Ribot and Peluso (2003), stress that within the field of natural resources management, there are some people and institutions that have power to control access and others have to maintain their access through the people that have control. According to Ribot and Peluso (2003), access is the ability to benefit from things and these include material objects, institutions, persons and symbols whereas access control involves the power to mediate other people's access, access maintenance requires power to make resources open to users. This means that the people or the institutions that possess access control would have the power to exclude others from accessing the benefit from the resources.

3.5 Conceptual framework for actors, benefits, property rights and outcomes

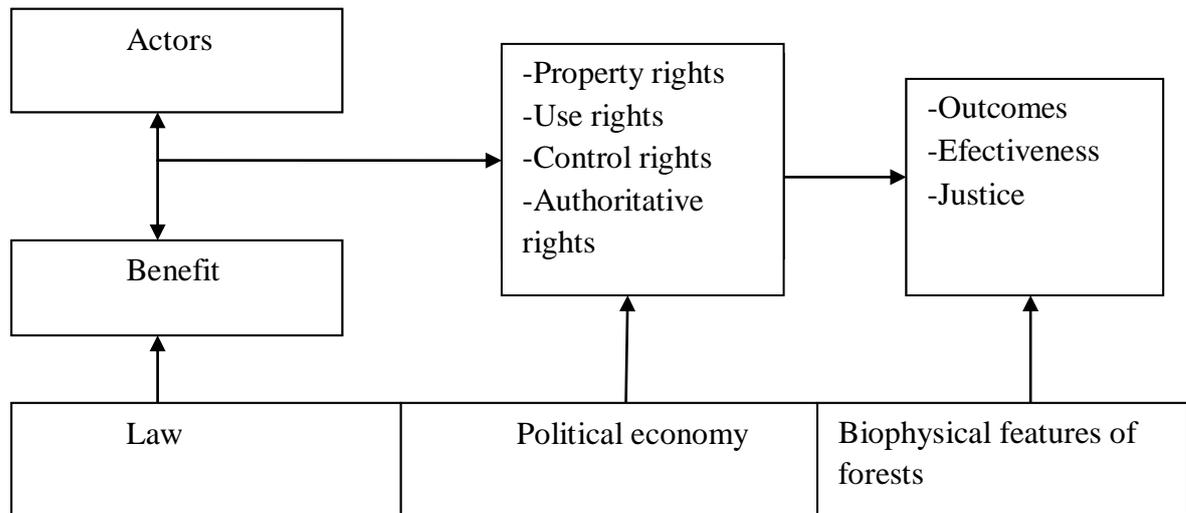
This framework centers on four variables: actors benefits property rights and outcomes. The actors in this frame work include individuals, social groups and organizations involved in management of a particular forest. The common actors in forest governance are the various types of people such as cultivators, male hunters, women gatherers, chainsaw operators and others. These people are differentiated by gender, ethnicity, wealth, interests and others. There are also multiple kinds of social groups such as village communities or forest management groups, government agencies (Sikor *et al.*, 2014). For instance, in Ghana they are the Forestry Commission and Forest Service Division, local government and national government. The non-governmental agencies include International NGOs forest management committees and private companies such as logging companies and carbon investors.

Benefit is regarded as all kinds of direct or indirect benefits attributed to a particular forest by all actors. The direct benefits are referring to material benefits that can be sourced from the forest and forest land. Typically the direct benefits include land for cultivation, timber and non-timber forest products, wildlife, downstream water availability, watershed protection, protection of habitat and others (Sikor *et al.*, 2014). Whereas the indirect benefit include those provided by outsiders in relation to forest management like cash payment, the provision of infrastructure such as schools, hospitals, safe drinking water and supply of material such as high yielding seeds variety and others provided they are linked to forest management.

Property rights can be seen as social relationship among actors with regard to particular benefits. These include use rights and that deal with questions such as who is entitled to harvest a particular resource and how much from the forest or who is considered legitimate user of forest land for cultivation of food or cash crop. For instance in Ghana, is it only the members of the stool that can use the forest land. Property rights also include control and authoritative rights. However, there are outcomes attached and they are referred to ecological and socio economic outcomes (Sikor *et al.*, 2014). According to Meizen-Dick *et al* (2002), property rights refer to the exclusive authority to determine how resources are used.

The resources could be owned by individuals or the government. For instance, if the resources are owned by the government, the agent responsible determines the use by setting rules. However, the effectiveness related to the rights depends on the capacity of benefit distribution mechanism to contribute to the achievement of intended effects (Sikor *et al.*, 2014). For example, forest cover protection, timber harvest, and hydrological services could be effective based on benefit distribution. Besides that, the issue of justice will be referred to distribution, participation and recognition. In relation to Ghana, the concern is how property rights structure will contribute to ensure equitable distribution of forest benefits to women and migrant farmers in the communities and allow them to participate in decision making and provide recognition.

Figure 3: Conceptual framework for four variables: actors, benefits, property rights and outcomes



Source: (Adopted from Sikor *et al.*, 2014)

In addition, the study builds on Schlager and Ostrom (1992) typology of property rights. Use rights are the rights to enjoy the benefits at stake which in line with Schlager and Ostrom's withdrawal rights. The distribution and nature of these rights may differ between benefits and need to be separated. For instance, control rights are referred to various kinds of second order rights, which determine use rights and these include the following rights:

Management: is referring to right to transform the forest and thereby shape the kinds of benefit available to actors. That is to limit extraction of particular trees or make contract about the conservation of carbon.

Exclusion: this is the right to define what actors are entitled to or not to enjoy the benefits at stake and this may include the allocation of logging quotas or payment for environmental services.

Transaction: this refers to right to handle the activities required for the realization of benefits and this includes handling of logging activities or disbursement of payment of environmental services.

Monitoring: this refers to right to monitoring use of benefit and this may include monitoring the extraction of forest products, assess carbon stocks or audit payments.

Authoritative rights: these are a sort of third-order rights to define control rights. These include rights of valuation or definition. These rights define the nature and discretionary space of control rights, including the rights of management, exclusion, transaction and monitoring. For example the indigenous society may need to participate in decisions about exclusion. In

Ghana, the stool members in the high forest zone may decide to exclude migrant farmer from the use of forest land and other resources.

Allocation: It is referring to the right to assign control rights to particular actors. For instance to put local forest protection units in charge of management, assign to financial transaction or give the chance to an international NGO to perform monitoring of forests. For instance in Ghana the Forestry Commission usually assigns control units in the villages for collaborative forest management.

3.6 The concept of legal pluralism

Legal pluralism is a counterbalance to the then dominant notion of legal centralism in which there was imposition of law to be and should be the law of the state, uniform for all persons, exclusive of all other law and administered by a single set of state institutions (Griffiths, 1986; Sartori and Shahar, 2012). However, there is discussion of legal pluralism whether to consider non-state codes as law (Griffiths, 1998; Cook *et al.*, 2003). The definition of legal pluralism in this paper is limited the anthropological perspective, which sees law as necessary involving the allocation of authority (legitimate power) over people and resources.

Legal pluralism is the existence of multiple legal systems within a particular population and geographical location. However, Cotterell, 2006, emphasizes that those against the legal centralism, but advocates for the legal pluralism claimed that law is not a single system necessary linked to the state as a uniform entity, but rather a complex of overlapping system or normative order. Hooker, (1975), focused his research on another type of legal pluralism that is typical of colonial and post-colonial settings. He claimed that legal pluralism exists when a sovereign commands different body of law for different groups of population according to their ethnicity, religion or geographical location. The allocation of the different body of law to different groups of population usually involves the incorporation of local or indigenous body of law within the colonial legal system.

3.6.1 The legal pluralism of the past

The medieval period by convention covers about 1000 years, which started with the collapse of the Roman Empire in the 15th century. It is important to note that, the later part of the medieval period was characterized by remarkable jumble sorts of law and institutions occupying the same space, sometimes complementing, conflicting and lacking hierarchy (Kim, 2000; Tamanaha, 2008). These different laws included customs usually not written, Germanic customary law, feudal law unwritten, the merchant law (commercial law), the canon law of the Roman Catholic Church and the revived Roman law developed in the universities.

There were various types of courts or judicial forums coexisted. The courts included memorial courts, municipal courts, merchant court, royal court and church court. Those that served as judges in these courts were barons or lords of the minor merchants, guild members, bishops in certain cases the popes and kings or appointees (Tamanaha, 2008; Mourizio, 2007). However, the rules for each court and laws to be applied were related to the person involved. The characteristics of the person in consideration included the status, decent, citizenship, occupation, religion and the subject matter. These brought about complex rulings in the cities with Jewish population and Muslims that had their own comprehensive bodies of law but interacted with one another including Christians.

The medieval period that lasted from 5th to the 15th century exhibited legal pluralism in which there were laws coexisting, overlapping bodies of law with different geographical location, coexisting institutionalized system and within the system there were conflicting legal norms. The laws separated kingdoms across Europe. There were transnational laws coexisted with codified Germanic customary law at national levels. There were feudal law, municipal law and unwritten local customary laws at the local level (Tamanaha, 2008). These complex systems explain the reasons it took centuries to move from the multiple legal systems to the establishment of state law by the government bureaucrats.

3.6.2 The legal pluralism in the developing world

In most countries in Sub-Saharan Africa and many ex-colonial states in South and South-East Asia, legal pluralism exists. Land is regulated through a wide range of institutions, state and non-state, formal and informal, using a variety of legal codes and social practices, which some are locally specific and recognized by the people. The law on land rights is not necessarily implemented by the courts because it is made and reasserted through a multiplicity of everyday practices, institutions and actions (Crook *et al.*, 2007; Juul and Lund, 2002). Specifically, there are various informal or non-state legal systems which include religions, tribal and traditional jurisdictions which are popularly known as the customary and religions legal systems. These systems can take many forms and shapes depending upon the tradition, locality and the prevailing socio political conditions (Jacques, 2009). The legal systems have been historically utilized in various areas for fighting against crime, setting prices for goods and services in the market places, punish offenders or punish people for unacceptable behavior in the societies as well as distribute resources in the societies.

The authorities are responsible for their own justifications with communal norms and institutions in relation to personal matters such as marriage, divorce, maintenance, inheritance and others. Many developing nations with their postcolonial governments took the colonial

legacy after independency and tried to unite their legal systems under an overlapping network of laws and courts but failed to overcome the resistance of social groups. As a result, the governments are forced to continue with systems of their colonial predecessor which were not uniform legal systems (Benton, 2002). Hence postcolonial nations which inherited such pluralistic legal systems from their colonial masters face the challenges of unifying state legal systems with traditional and religious laws.

3.6.3 Legal pluralism in Africa

In African society, individual groups has a close ties with the community and all the people form a community based culture that is identified with respect of social orders aimed at achieving group harmony. There is exhibition of solidarity, harmony and community values that are maintained at all cost (Jacques, 2009; Pimentel, 2011). The solidarity plays a major role in the establishment of behavioral norms which help in organizing the life of the family in the towns and villages. However, the pre-existing colonial legal system is reflected in these values which are still found in the formal legal systems of most African countries. There is evident that in African countries the larger proportion of the population is found in the rural areas and they defend and protect the traditional or cultural values and somewhat resistant to the rules and approaches of the modern law.

The traditional legal systems are well defined and are usually unwritten nature. The traditional systems with the values are generally enshrined in the customary systems. However, this unwritten nature probably explains why the colonial masters considered that there were no legal system in Africa before colonization but there were laws in the form of social norms that command certain behavior in the pre-colonial era and were difficult to know the precise context of the legal norms (Grenfell, 2009; Jacques, 2009; Pimentel, 2011). The context was understood by ethnic groups or societies that protect the traditional or cultural values. These legal systems were protected by elders but transmitted from generation to generation.

3.6.3.1 Colonial and post-colonial legal system of Africa

There have been foreign influences on African legal system over centuries, both in pre-colonial and post-colonial periods. The influences include Muslim, Asian and American in the pre- colonial times whereas post-colonial period the legal system fell under British, Belgium, French, Portuguese, and Spanish dominance in Africa (Pimentel, 2011; Jacques, 2009; Grenfell, 2009; Brook, 2002). As a result, the traditional legal systems have been influenced by more than one of these foreign systems, which make it difficult to put African legal pluralism in a single context.

The colonial master imposed legal orders in a disorderly manner such that neighboring countries have possessed very different and difficult legal systems even if the countries inhabited by the same ethnic groups (Pimentel, 2011). For instance, the Ewes in Togo and Ghana follow different and difficult legal systems despite the fact that they have the same cultural practices. However, it is clear that African countries still rely on legal support, which is heavily influenced by other foreign legal cultures. For instance African states adopt legal systems and institutions of the western developed countries for the functioning of the legal systems and structures at the national level. However, according to Brook, 2002, the Universal Declaration of Human Rights (UDHR) and legal pluralism is not compactable in Africa because of the element of universality in the former, which leaves little space for diversity and local norms.

3.6.3.2 The role of power structure and institutions in Africa

The traditional structure of the African societies is simple and sometimes complex. The traditional chiefs do not have full discretionary authority over their villagers or communities because power is shared and there is balance between the holders of authority such as sub chiefs, clan heads, fetish priests and other religious leaders (Jacques, 2009; Grenfell, 2009). However, the kings have final say on crucial and difficult issues. Besides that, the traditional authorities see the functioning of the villages and have substantial influence over the society. It has been noted that, the modern democracy undermine their rulings but they are still striving in many all African countries. For instance in Burkina Faso, the Mosse traditional chiefs are active and ensure the function of the society (Ouedraogo, 1996). This is similar in Togo, Cameroon, Zimbabwe, Lesotho, South Africa and others. Furthermore in Ghana chiefs are even recognized in the constitution.

The legal system is based on the 1992 Republican Constitution of Ghana, the common law, statutory enactments of parliament and assimilation of rule of the customary or traditional law (GOG, 1992). The constitution like the previous ones guarantee the chieftaincy institution which is accompanied by the traditional council as customary law requires. Furthermore, there is equilibrium and existence of the contemporary element of democracy-the modern democratic system which guarantee the proper working of the institutions of the state. However, there is interplay between the modern democracy and the traditional forces in African countries. The challenge is how the rules or laws will complement each other from the existed law and the power structure or capable of reconciling traditional and modern norms for the people.

3.6.3 The state versus non-state legal orders

There is debate concerning legal pluralism. There are some people that argue that the interests of the ordinary citizen, the poor and underprivileged in the society are best served by the authority of the customary and other non-state regulatory orders especially issues related to land. Whereas those in favor of formal law argue that the state law is the best protector of the poor and the excluded against locally inequitable power structure and gender bias (Crook, 2007). However, those in support of customary law or non-state regimes point to their social embeddedness, flexibility and the practical dispute resolution (Berry, 1993; Bassett and Crummey, 1993). The locally based institutions should be supported and encouraged. Those in favor of the state law further stressed that the essential ambiguity and flexibility of the customary law facilitate imbalance which affect the poor but promote the state and locally dominated elites (Chanock, 1991; Berry, 1997; Crook, 1973). However, it is difficult to take a stand because the version that pronounced right depends very much on the interpretation, political position and the dominant social group that see the need for social consensus and conflict resolution.

3.7 Legal pluralism in Ghana

The pre-colonial and colonial legacies led to the emergence of a strong legalized form of customary land law in Ghana. This law has been recognized by the state and integrated as a common law administered by the state courts. Besides that, institutions such as Native Courts, Native Authorities and national level political institutions created powerful elites with hierarchy which extended to the local communities. As a result, the local communities have a strong capacity to protect customary land holding through the institution of chieftaincy (Crook, 2004; Crook *at al.*, 2007; Crook, 1986; Allott, 1957). Moreover, it is important to note that, during the colonial period the British introduced policies of Indirect Rule and policies for regulation of land exploitation, which also led to the incorporation of local or customary law into a unified common law system through the institution of native courts. As a result, since 1986 the legal reforms in Ghana have incorporated all forms of land tenure including customary forms into a single statutory and common laws which are applied to both title registration and centralized regulation by a national Lands Commission.

This enables the local people to preserve the local institutions for regulation of disputes. The characteristics of the legal pluralism present customary law and statutory systems governing land overlap and complement each other. The larger part of land in Ghana is held informally under the customary land tenure (USAID, 2013). However the power given to chiefs to

manage and allocate land based on the allodial land ownership is having problems in relation to migrants and stool members, especially women in the villages.

Moreover, the Constitution of Ghana recognizes the concept of trusteeship in landholding and emphasizes that those with responsibility for managing the land must act in the wider interests of their communities. The Article 36(8) of the 1992 Constitution states that the state shall recognize that ownership and possession of land carry a social obligation to serve the larger community (Kasanga and Ashie, 2001). In addition, the state shall recognize that the managers of public land, stool, skin and family lands are fiduciaries charged with the obligation to discharge their functions for the benefit respectively of the people of Ghana of the stool, skin or family concern, and are accountable as fiduciaries in this regard (Owusu-Koranteng, 2010; Kasanga and Ashie, 2001). In line with the constitution, the traditional chiefs have been charged with holding the land that they govern in trust for the benefit of their people within their territories who share a common ancestry and historical relationship with the land.

The land is inherited in the community and is presumed to belong to one large extended family that includes living, the ancestors and unborn children (Sarpong, 2006). The chiefs have the rights to administer the communal land and act as custodians. The freehold to the land refers to permanent, private use rights that are typically assigned to members of a common lineage. However, men usually enjoy these rights in the traditional settings. Article 257 (6) of the Constitution further provides: “every mineral in its natural state in, under or upon any land in Ghana, rivers, streams, water courses throughout Ghana, the exclusive economic zone and any area covered by the territorial sea or continental shelf is the property of the Republic of Ghana and shall be vested in the President on behalf of and in trust for the people of Ghana” (Kasanga and Ashie, 2001:1). These include forests and their resources especially areas designated as state forests and agriculture land with natural occurring economic trees.

However, the state court, as provided under the 1992 constitution and the Courts Act, 1993 (Act 459) continue to form a crucial element in the land regulation system in Ghana. The courts are constitutionally endowed with the power to apply all the rules of law recognized in the nation whether customary, common laws or statute laws which are resorted to by various litigants who wish to have an authoritative settlement of the case (USAID, 2013). For instance, the District Courts, formerly known as Community Tribunals and High Courts are overwhelmed with large land cases which few can be heard and settled within a reasonable time.

It is important to note that, the constitution of Ghana prohibits discrimination based on gender and guarantees women's rights to own and inherit property, protects equality before the law and tasks the government with ensuring women's full integration into the mainstream of economic development. However, there are exceptions in the constitution. Article 17(A) allows for exceptions in personal law which includes but not limited to areas such as divorce, marriage and devolution of property (GOG, 1992; Sarpong, 2006). Despite the constitutional guarantee, there are discrepancies between statutory law and customary law. The formal legislation guarantees equal rights to men and women with regard to property, whereas customary law and the common practice, men but not women hold and wield authority over property in most parts of the country.

3.7.1 Legal pluralism and its effect on women's rights, access to land and forests

There are many reasons why formal legislation or state law has not been effective with property rights and women's rights to land and forest resources in the developing world. There are conflicting legislation, institutional weakness and pervasive influence of gender bias (Lastrarria-Cornhiel, 2006). While some laws may guarantee gender equality with regard to land rights-state law, other laws such as customary law may be based on norms and undermine or directly contradict the concept of equal land rights of men and women (not giving wives equal rights to land or daughters equal land rights).

There are many instances where the legislative is positive towards women's land rights in many countries but the state and its institutions, including the judiciary are weak to enforce the laws (Whitehead and Tsikata, 2003). For instance, in Ghana, the formal law guarantees equal access and rights to land and forest resources but the customary law limit women to land rights. Sometimes the state lacks the resources or unwilling to commit resources to advocate, promote, enforce and protect women's formal rights to land and property. In the absence of these procedures, which may ensure equal rights to women such as access to land and land rights, allow customary laws, norms and practices predominate in the local communities denying women their rights.

There are different interpretations of customary tenure system. The customary norms and practices are sometimes difficult to be recognized by the state, community and groups within the villages. Besides that, the customary law is always changing, so local elites and traditional authorities recognize those norms and practices that support their interests. These usually exclude women and minority groups. It has been noted by women that previous customary land rights did not exclude women and advocate a return to those practices. For example in Uganda, women advocated of joint ownership of family land but the state failed to include

mandatory joint property rights into the 1998 Land Law (Lastrarria-Cornhiel, 2006). However, the state was able to amend the Land Law so as to require the consent of the spouse when land is sold, mortgaged or rented out but banking law was putting pressure to have the consent mechanism overruled because it was interfering with land transaction. These show the contradictions between the objectives of state law and economic interest.

As Whitehead and Tsikata (2003) stated the practice of customary tenure systems is taking place without recognizing the inherent biases of customary systems. The local institutions are not necessarily equitable or participatory. It is important to note that, the issue of equitable or inequitable local processes and relation to land rights are context specific and also depend on colonial history, ethnic relations, economic structures, kinship, marriage relation and structures. These factors at the local level influence gender relations and women's rights to land and property. They can also be manipulated in various ways to deny women ownership and control of land in the local communities.

Furthermore Amanor (2001), emphasized that the customary land tenure is not stable and land use rights as well as rules are sometimes only understood within the communities in which they operate. These may not be legally recognized by the state but are operative in the local communities. The existence of the legal pluralism creates confusion and uncertainty to land rights because acquisition of land by women either through purchase or inheritance can be challenged or women access to forest land can be challenged and cancelled through appeals by the state authorities (Lavigne Delville, 1998). However, the confusion regarding land rights benefit elites and rich people rendering women landless because they take the advantage of the confusion and use their power to acquire and control land including rent.

3.7.2 The effects of legal pluralism on migrant farmers access to land and forests

The multiple laws governing land and tenure systems present different kinds of rights such as ownership, use, access, transfer and control rights, which can be sources of disappointment to migrant farmers. These areas sometimes result in distrust of the state and its ability and unwillingness or bias in dealing with land issues (Unruh, 1997). In the communities where customary law dominates, the state law seems to be weak in dealing with migrant rights to land and access to forest resources. Despite the land and other natural resources are in the trust of the state on behalf of the indigenous people. The weak nature of state laws causes tenure insecurity in many villages in the Africa. As a result, identity based-attachment to land is very important because it determines migrants' access to land and perceived rights to land. This identity in the context of migration illustrates how individuals or groups see themselves with respect to other land owning communities.

The approaches to land by one group in migration context can be purposefully rejected by another group leading to a situation of opposed legal pluralism over land in the local communities (Ibrahim, 1998). There is tenure insecurity of migrants because state and traditional authorities jointly own and control some resources, which present contradictions of access rights. For instance, in Ghana access to forest land by migrant requires permission from both the traditional authorities and the state but other forest resources may require permission from the state. This makes it difficult for migrant farmers to invest heavily on the land. In line with that in central and northern Ethiopia people invested more on land conservation than large farms because there was high level of tenure insecurity as they were more likely to lose land in future redistribution (Alemu, 1999; Stein and Yohannes, 2001; UNDP-EUE, 1999). It was also noted that tenure insecurity and gender differences and migrant status in tree planting in Zimbabwe, women and migrants were less likely to plant trees where they have less security of duration of tenure.

Migrant legitimacy and evidence on land is sometimes complex because of legal pluralism. Any claim to land, property and territory are based on the perception of legitimacy in various forms. In migration context legitimacy in land tenure becomes significantly problematic because migrant farmers emphasize, modify and derive notions of legitimacy which enable them access, use land and forests (Alemu, 1999; Unruh, 1997). The possession of evidence to prove and support rights of access, claim to land and forest resources are fundamental features of land tenure system.

The formal tenure regimes require document to be a primary form of evidence whereas the customary tenure and normative orders regarding to land contain a wide variety of informal evidence that derives legitimacy and authority from social and cultural features (Unruh, 1997). On arrival of migrant, evidence and legitimacy is subject to change due to the role community plays in determining what evidence is regarded as legitimate and these have negative effects on migrant farmers. In the olden days chiefs gave virgin forests to migrants be cleared for cocoa farms on share contract bases instead of alienation. These farms have been used by migrant farmers for many years but no legitimacy and evidence to claim the land because forests are owned by the state and land is owned by the chiefs. This discourages migrant farmers' investment because they see limited investment opportunities.

3.7.3 Gender and rural livelihood

Gender is an integral and inseparable part of rural livelihoods. It is through gender that livelihood diversification can be assessed. Gender in this context can be defined as social

construction of roles and relationships between man and woman (Baden and Goetz, 1999; Ellis, 2000). The roles are usually not equal in terms of power, control over events, decision-making, ownership of resources and others. In that case, gender is basically about power, subordinating and inequality. As a result, there are ways usually employed to secure greater equality in all social dimensions for women. In contrast, postmodern critics see women's objective construction of themselves as cultural specific. In both cases development thinkers are always trying to change institutions that perpetuate gender inequality in order to reduce poverty, increase economic efficiency or improve environmental management or manage population growth.

In examining gender defamations, three aspects of livelihood approaches and diversifications as strategy must be considered. These are poverty, agriculture and environment. There is the need to consider the livelihood relationships between rural women and men arise in the context of poverty and incidence in the rural economy. In developing countries rural women are poorer on average than men in several studies conducted. It has been noted that female-headed households are poorer for variety of reasons. However, additional income obtained by the household has quite different effects on the welfare of women whether the recipient of the income is male or female.

In addition, there has been significant women's participation in agriculture production in developing countries these days. There are three forms of farming classifications according to the varying degrees of women's engagement in farm work. Firstly, the high female participation combined with low technology, which usually occurs in Sub-Saharan Africa. Secondly, the low female participation associated with animal draft technology, hired labour and women working outside the home (Baden and Goetz, 1999). The last is sharing the farm work between women and men associated with intensive cultivation, land scarcity and small farm size. However, this is not an exhaustive classification because women's roles in agriculture are heterogeneous. There are differences based on ethnicity, gender divisions of labour, level of income and wealth. Besides that cultivation and harvesting are not complemented by women ownership of resources, control over resource use or by decision-making capabilities. These remain firmly within the spheres of men.

There has been strong evidence that women have an instrumental role with respect to the conservation of the environment. As a result, information, training and empowerment directed to rural women will result in improve management of environmental resources. Thus it has been noted that women are custodians of the environment. In addition, there has been widespread of the involvement of women rather than men in interacting and utilizing

environmental resources. For example, areas such as collecting firewood, water, growing of food crops, collecting of wild plants for nutritional or medical purposes and others.

Another theory states that women are closer to nature than men (Jackson, 1993). The women intuitively understand the sustainable level of utilization of material resources and need to conserve diversity. Another perspective emphasizes that women have proactive roles in carrying out conservation technology which include planting trees, building terraces and safeguarding diversity often in opposition to the wishes of men (Jackson, 1993). However, the relationship between men, women and natural resource management is complex, diverse and changing according to pressures on livelihoods and opportunities in the wider economy.

3.8 Migration and livelihood strategies

Migration is part of livelihood activities because some people consider it as a determinant of diversification but it is also an important type of diversification that links with labour market factors in households and individual decision making for survival. For instance, migration and remittance are very important in the rural areas in developing countries. However, in this context, “migration means that one or more family members leave the resident household for varying periods of time, and in so doing are able to make new and different contributions to welfare, although such contributions are not guaranteed by the mere fact of migration”(Ellis, 2000:70). As a result, there are types of migration common to the rural people in the developing countries which are described below.

3.8.1 Seasonal migration: This refers to temporal migration that occurs during agriculture seasons. It is usually associated with moving away in the slack season and the return of migrant for peak periods of labour input in the agriculture calendar. These are mainly land preparation and harvesting periods. The seasonal migration may also occur within the rural economy where there is labour requirement in land preparation for planting and harvesting annual and perennial crops. For example there is labour requirement for planting and harvesting cocoa in the cocoa producing areas in the districts, which follow time periods.

3.8.2 Circular migration: This refers to temporal migration that is not necessarily associated with seasonal agriculture activities but may be for varying periods and durations. It could be cyclical need for labour in non-farm labour market. This type of migration means that migrants routinely return to the resident household and take that as principal domicile. In relation to this type of migration, the people do not set up permanent living arrangements in the place they go for work.

3.8.3 Permanent migration: This refers to a situation where family member makes a long duration move to a different location. It usually refers to movement from rural to urban or city. In relation to agriculture activities, it is the movement of farmers from low agriculture producing areas to places of high agriculture production. The intention of this type of migration is to contribute back home in the form of regular or intermittent remittance. (Todora, 1969). However, the capability to remit depends on the type of livelihood that will be secured by the migrant in that area. Another type of migration that is not useful in this study is international migration and this is where family member will move either temporally or permanently abroad.

There are many reasons for migration. Many researchers have identified push and pull factors but these will not be discussed in this study. In relation to agriculture activities or land use, the dominant reason is economic decision making. Migrant focuses on income differentials between rural and urban areas, poor and rich areas, degraded land and fertile areas for job search probabilities as the prime determinant of migration and this version continues to receive support (Todora, 1969). There is strong evidence of migrants' remittance and capital accumulation back at their permanent homes. For instance, in the cocoa growing areas migrants remit people to support their survival through farm labour and even establishment of their own farms. These activities are very important to understand land ownership, use of forest land and access to resources in relation to women and migrants and their implication to REDD activities in the study area.

4. METHODOLOGY

This chapter presents the methodology of the study. First, the study strategy is presented followed by the study design, next is participants and sampling techniques before research instrument and data. The approaches to data analysis will be explained before validity and reliability of the study. Lastly, I will present what was regarded as ethical considerations and limitations of the study.

4.1 Research strategy

The study employed qualitative interview approaches (key informant interview and focus group discussions) but the data will be combined with previous survey data and key informants' interviews which were conducted in 2011 in the same villages but were not exhausted in the analysis. This indicates that the research strategy is in the form of triangulation (combination of quantitative and qualitative approaches). It has been noted that neither focus group discussions nor survey will provide a complete approach to most investigations but the combination of the two would be required because each is serving different but complementary roles in many investigations (Moser, 1998). As a result, the data from the previous survey is valuable and has supported the recent study because some variables and themes were repeated in the qualitative approach to obtain in-depth information in relation to gender and migrants in the study area.

This implies that the additional information obtained, which is different from the previous study has gender dimension of land ownership, access and migrant farmers land rights. The qualitative research interview was important because it is an attempt to understand the world from the subjects' point of view to unfold the meaning of peoples' experience or to uncover what is within their environment prior to scientific explanations (Kvale, 1996). As a result, information from the study will be treated both quantitative and qualitative ways to be able to describe, understand and compare large sample of themes. The quantitative strategy emphasizes quantification in the collection and analysis of data, which entails deductive approach to relationship between theories and research whereas qualitative research can be construed as a research strategy that emphasizes words and usually inductive approach to relationship between theories and research (Bryman, 2004). In this case, emphasis will be placed on generating theories through the data gathered.

It is important to note that, the previous information is useful but the study was not a longitudinal design where survey is repeated at least one further occasion following the

sample over time and make repeated observations but the themes of the previous study were vital for this research because it concerned peoples' livelihoods, their access to and use of land. Specifically, income from land use, property rights/land tenure regimes, decision-making processes concerning land use, and local perceptions and norms regarding use and conservation of forest resources. These areas are very crucial in relation to women and migrants land rights.

4.2 Study design

The study area was selected based on an initial pilot project study for poverty and sustainable impact of REDD architecture; options for equity, growth and development. However, the research was a cross sectional study, which is a representative subset of population study at one specific point in time in the communities (Bryman, 2004). This recent study is also regarded as case study because it is an in-depth study of a particular research problem rather than just quantifying in the case of statistical survey. Besides that, a case study is useful when much is not known about a phenomenon. It can extend experience or add strength to what is already known through previous research (Abass and Teddlie, 2003). It is a descriptive, explanatory or exploratory analysis of a person or group of people. Besides that it is intensive and detail examination of a case. The combination of information from both previous and current study may give clear and in-depth understanding of the phenomenon.

4.2.1 The study Participants (Key informants)

The key informants were purposively selected based on their special knowledge, experience and unique perspective in the research interest area. They included chiefs, Forestry Service Division managers, queen mothers, clan heads and migrant farmers in the districts.

4.2.2 Focus group mixed with migrant farmers

The people recruited for the focus group discussions were homogeneous in terms of experience and sex but mixed with different ethnic groups and religion. The ethnic groups included Brussas the indigenes, Dagaabas, Frafras, Gurmas, Mampruis, Sisaalas and Kusaasis from the Northern part and others from different regions of Ghana. The women were separated from the men because in Ghana, men dominate when mixed with women in discussions because of culture. This was likely to influence the women to be observers in a mixed group and will not contribute in discussions in the villages. There was also the consideration of gender nature of preference or priorities and gender relations in terms of power and control. As a result, it was clear that the sex difference in a mixed group will affect the comfort of participants especially, the women. The segmentation based on sex allowed the

representation of homogeneous people with full spectrum of experience and opinions, which resulted in free flow of conversation among participants in both men and women groups. In addition, there was informal conversation with some migrant farmers in which valuable information related to land was obtained.

Table 1.Characteristics of focus groups

Village	Total number of men	Number of indigenes	Number of migrants	Ethnicity of migrants	Total number of women	Number of indigenes	Number of migrants	Ethicity of migrants
Asantekrom	12	8	4	Ewe, Gurma, Mamprusis(2)	10	6	4	Ewes(2), Fanti, Dagaaba
New Yakasi	10	6	4	Dagaabas (2), Dagombas (2)	10	8	2	Dagaaba, Ewe
Sewum	11	9	2	Kusasi, Dagaaba	10	7	3	Gurma (2), Kusasi
Boinsu	9	8	1	Ewe	10	5	5	Dagaaba, Kusasis (3), Mamprusi
Jensue	12	8	4	Fanti , Frafra, Gurma, Ewe	12	9	3	Gurma, Sisaala (2)
Adonikrom	8	4	4	Frafra, Fanti, Ewe, Sefwi	10	8	2	Kusasi, Dagaaba
Total	62	43	19		62	43	18	

The focus group discussions were conducted in six villages in Aowin and Suaman Districts (Asantekrom, New Yakasi, Sewum, Boinsu, Jensue and Adonikrom) targeted 8-12 members in each group for both men and women. This range could have the tendency of inclusion of diversity. The focus group discussions took an average of 2hours to 2hours, 30minutes depending on the engagement of participants in a group. In the focus group discussions, research assistants helped in coordination, recording information and taking notes.

On arrival there was a formal introduction at the district Assemblies of Aowin and Suaman Districts of my purpose of visit and District Coordinating Directors gave formal introductory letters to the communities and in each village, I further explained the purpose of my visit to the village chiefs and their subjects. The purpose of my visit was discussed among them and permission was also granted and at the chiefs' palace some people were instructed to facilitate the process by announcing to the people about my presence and to help in the recruitment of

the focus groups. The discussions started after the key informant interview had been done. The interview started by seeking permission from both the key informants and the focus groups whether they were willing to participate in the interview and discussions after the purpose of the research had been explained. The reason for the focus group discussion and key informants information was to solicit the type of information that could not be obtained through quantitative survey. However, quantitative survey has the advantage of avoiding the risk of other people influencing the opinion of respondents and eliminating subjectivity of judgment (Kealey and Protheroe, 1996). The people were engaged in the discussions to the extent that participants influencing each other opinions were reduced.

4.3 Quantitative sampling technique

In 2011, there was a baseline study for poverty and sustainable development impact of REDD architecture, option for equity, growth and environment of which there was a well defined guidelines that included type of villages for study, population parameter and population size in order to reduce sample error. As a result, there was a household survey in the same six villages in Aowin and Suaman Districts (Asantekrom, New Yakasi, Sewum, Boinsu, Jensue and Adonikrom), which were purposively selected. A sample frame was established by obtaining list of households in each village from which a sample was randomly selected. In the selection process I used $k = (N/n)$ where (N) is the population size and (n) sample size to get the sample fraction (k) and i further selected a household at random from the list and then every (k) household is selected which is known as sampling interval (*skip*) in the household list in each village.

This implies that probability random sampling technique was employed in which every household had an equal chance of being selected. Total number of 200 households was sampled from all the villages of which 30 from five villages and 50 from Adonikrom where the total population was far larger than the rest of the villages and that sampled size was considered as a control village sample. There was also qualitative approach to the study and sampling technique for the qualitative interviews was purposive, which involved participatory rural appraisal based on interviews with local resource persons and participatory rural appraisal using focus group discussions. In addition to the information gathered, there were also field observations and informal conversations that formed part of the study.

4.4 Research instrument and data

The primary data was obtained through interview guide design for key informants and another for focus group discussions. The questions were semi-structured. According to Bernard

(2006), semi-structured interview allow questions to be asked more than one time. In line with that the interview guide used allowed flexibility and probing. There was field observation and informal conversations, which notes were taken to support the information from the focus group discussions. Secondary data was obtained from policy documents, research related to the study, documents from the Stool Lands and Ministry of Lands and Forestry. Information was also obtained from NGOs reports about land tenure and land use for agriculture activities in the high forest zones.

The research instruments for 2011 were three forms (household questionnaire, qualitative interview guide for local resource person(s), and qualitative interview guide for focus group discussions). The household questionnaire was designed to gather data on households' access to resources (use rights and property rights), their production in agriculture and forestry, their assessment of local institutions and forest management systems. The two qualitative instruments were designed to collect information that was common to the households or was relevant only at the village level. The interview with local resource persons was aimed at complementing the above data with facts on demographic, prices on agricultural products, profitability, statistics on land use and property rights/tenure arrangement, forest status and land market.

In addition, there were field observations and secondary data such as policy documents, published materials, documents from Stool Land, documents from Ministry of Lands and Forestry and other sources were used. However, since this study is a mixed method, there were theory and concepts that were in mind before the field study. The new experiments and prospects for enhancing women's land access in South Asia by (Agarwal, 2002) formed the bases of the study and generated inductive reasoning for analysis.

4.5 Approaches to data analysis

The qualitative data involved interviews, focus group discussions, observation and secondary data collection (policy documents, reports, research conducted and books). The secondary data gathered was based on content analysis. There was categorization of written, verbal and behavioral data for the purpose of classification, summarization and tabulation according to the questions to be answered. In the interview session notes were written and in some cases recordings were made which was transcribed later. Moreover, the mechanism to ensure the quality of the study included the control of bias, safe storage of data and other relevant precautions.

The survey data was analyzed by using SPSS and STATA for descriptive and inferential statistics. The descriptive statistics are procedures used to describe the population. The results helped in the organization and description of the data. Descriptive statistics involves frequency distribution, measure of central tendency (mean, mode and median) and graphs such as pie charts, bar charts and histogram (Bryman, 2004). However, not all of these measurements will be employed in the analysis but those that would best support the findings and discussions will be used.

The inferential statistics refers to making predictions or inferences about the population from observation (Bryman, 2004). This will help to use the sample results in the analysis and be able to generalize to the larger population that the sample represents. In order to achieve that I made sure the sample was a representative of the total population in the study area. Thus generalization is done by testing significance. Specifically, chi-square or T-test can predict the probability that the results of my analysis on the samples are representative of the population being studied (Bryman, 2004). In other words these tests of significance tell me the probability that the results of the analysis could have occurred by chance when there is no relationship at all between variables that are studied in the population. However, these tests are only employed where it is necessary in my study.

4.5.1 Calculation of income

The income calculation included income from forest, non forest income, business and remittances. The calculation aimed at determining the extent to which the rural people depended on forest resources including land. There was income grouping into average of three. These are poor, medium and less poor based on 2011 World Bank estimation of poverty line of living below \$1.25 USD a day. Furthermore, I analyzed assets categories in two ways: these are income groups based on households and locations (villages) as a welfare measure.

4.5.2 Validity

Validity refers to an estimate of the extent to which the data or design measures what it is suppose to measure. Traditionally, it refers to the issue of whether an indicator devised really measures the concept it is suppose to measure (Bryman, 2004). In other words, validity shows whether the research results can be trusted based on the instruments used. Furthermore, it shows whether the research instruments are likely to measure the real content or there would be a certain degree of confidence level in the case of quantitative research.

However, quantitative investigators have different ways of establishing validity of a concept. They consider internal validity, external validity, face validity and construct validity. In

quantitative research, internal validity is the extent to which any causal differences in the independent variable can be attributed to the dependent variable. Whereas external validity is the extent to which the results of the study can be generalized to other settings (Bryman, 2004). Face validity refers to whether the tests (questionnaire and question guide) appear to measure what they claim to measure or the measure reflects the content of the concept in question whereas construct validity refers to the assessment of how well the researcher translate ideas or theories into actual program or measures. To ensure face validity in the study, questions were designed in such a way that respondents could understand and offer their opinions well. In addition, before that I asked other researchers whether the measure was getting the concept it was suppose to obtain. The construct validity was achieved by relating the findings to existing theories and concepts that were relevant to the study.

However, a qualitative researcher will consider four areas in pursuit of trustworthiness that correspond to the criteria employed by positivist investigator. These include creditability, which is in line with internal validity; transferability which is similar to external validity; confirmability which is in line with objectivity- this refers to whether the investigator allowed his values to intrude to a high degree; dependability which is similar to reliability also shows whether findings are likely to be applied at other times. These guidelines were taken into consideration in the study.

4.5.3 Reliability

Moreover, reliability is another area that ensures the quality of a research. The reliability of a research refers to the consistency of the results over time and an accurate representation of the total population under study. Besides that, if the results of a study can be reproduced under similar methodology, then the research instrument is considered reliable (Joppe, 2000). This implies that reliability embodied issues of replicability or repeatability of results or an observation. There are three types of reliability in quantitative research. Firstly, the degree to which a measurement can be repeated. Secondly, the stability of measurement over time and lastly, the similarity of measurements within a given period of time (Kirk and Miller, 1986). In line with that, the sampling technique of the survey was based on a systematic random sampling in the villages meant to allow similar methodology and replicability of the results. Furthermore, reliability and validity are essential criterion for quality in quantitative paradigms whereas in qualitative paradigms elements such as credibility, neutrality, confirmability, consistency, dependability, applicability and transferability are essential criterion for evaluation and ensuring the quality of a research. However, these elements have

similar notations (Lincoln and Guba, 1985). These were the guidelines in the study process, starting from the preparation to the actual field study.

4.5.4 Ethical considerations

Following formal guidelines and on arrival there was formal introduction and the purpose of my visit was explained based on which permission was granted by the District Assemblies to go to the villages for the study. It has been noted that every researcher needs permission from gatekeepers. As a result, in the villages I explained to the village chiefs the purpose of my visit and permission was also granted to conduct the interviews. Besides that, there was strong consideration of ethical issues in the study since it concerns gender, migrants and land issues in the cocoa producing and forest frontiers.

However, the main ethical considerations for a research to be accepted include harm to participants, lack of informed consent and invasion of privacy, deception, confidentiality and anonymity. Any research that is likely to harm participants is regarded by most people as not acceptable. Harm could be physical harm, lost of self-esteem, stress and others. In the study, anything to do with harm was avoided and information was obtained in a very convenient way and maintaining high esteem of respondents. Lack of informed consent centers on disguise or covert form of observation (Bryman, 2004). It requires that researcher should be known and should provide participants information needed to make informed decision about whether or not they wish to participate in the study (Patton, 1990). I further explained to them what the study was about, the benefits and harm that may be accompanied by the study, which informants made the decision to participate. The invasion of privacy concerns whether the researcher has respected participants cultural values or is not digging into their private issues. The researcher focus was to answer the research questions and in order to achieve that target was to respect the cultural values of respondents. Covert is usually regarded as violation to privacy. To avoid covert in the study, the respondents were given enough information about the study and the intention of the researcher.

Deception is another area that is not accepted in research. This happens when a researcher presents his research as something different from what it was suppose to be. I made sure that the information obtained from the field was presented as my actual findings. Confidentiality relates to the protection of the data collected (Bryman, 2004). A researcher is to ensure that the confidentiality of the data is respected and he should be clear about the level of confidentiality he can guarantee and the level he cannot. Informants were told that the study was for academic purpose and could be published later. Another area of concern is the issue

of anonymity. This requires that the participants' names should be hidden. The researcher needs to take further step to protect the participant identity. It is possible that other information can reveal people's identity, which the researcher should take note. In the study, people did not care if their names were to be mentioned but because of ethical considerations names were withheld. Besides that, strong opinions and expressions that could reveal the identity of people were carefully handled.

4.5.5 Study limitations

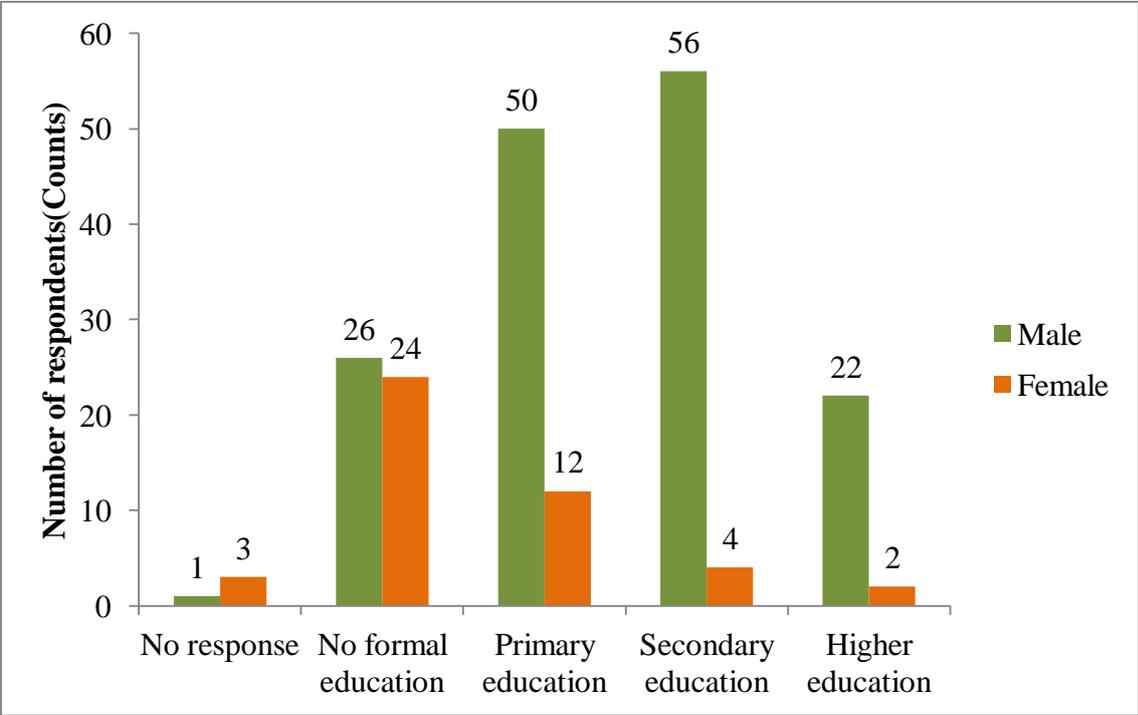
There were challenges in the study, which may affect the findings. The information related to the migrant farmers was based on qualitative data collection approaches in the high forest zone, which cannot be generalized. Besides that, the migrant farmers were mixed with the indigenes in the focus group discussions affected the response of some migrants because they were not able to discuss some information related to land. They thought such information in the discussion may affect the relationship with the indigenous society. However, valuable information was obtained from this type of migrants through informal conversations.

This implies that quantitative approach will minimize the feeling of not being open in a focus group mixed with migrant farmers. In the focus group discussion some women were responding strategically when it came to questions related to resource extraction from the forests and land use. In the past, there were series of control to reduce encroachment. It was clear that some thought the information could be used against them despite the assurance of confidentiality. However, some women were very active in the discussions and revealed how much they depend on forests. The information concerning use of forest land and other resources was much obtained from key informants.

5. THE INSTITUTIONS OF FOREST LAND, AGRICULTURE LAND AND TENURE ARRANGEMENTS FOR GENDER AND MIGRANTS

This chapter presents the findings and discussions of the institutions of forest land, agriculture land and arrangements that prevail in relation to gender and migrant farmers in the study area. In addition, there will be documentation of property rights structure and land transactions, ownership and control. All men and women have fundamental rights fulfilling, dignified work and livelihoods, including equal access to land and productive resources as stipulated in the 1992 Constitution of Ghana. However, there will be presentation of legal pluralism and its effects on women and migrant farmers in the high forest zone.

Figure 4: Educational level of gender in a household survey



Source: (Konlan, 2011)

The figure 4 above shows a household survey of 200 respondents in the six villages where information on educational level was obtained which indicates a wide gap in educational attainment between men and women at all stages. The male respondents have higher educational attainment because boys were favored to attend school in olden days in the communities. In the survey, 2 female household heads attained higher education. This implies that few women had higher education in the communities. The illiteracy rate is high and some respondents could express their disappointment for not being educated. The feeling of

disappointment was one of the reasons that made 1 male and 3 female household heads did not respond because they realized it might generate displeasure if they attempt to respond and give reasons.

The respondents with no formal education said they would have been better off with education than their current situation where they cannot get enough capital to develop agriculture land and others said they could not claim their land rights because they had no knowledge of legal provisions. In the focus group discussions the women with primary educational level also emphasized that low education was hampering their effort to fight for their land rights because they do not have ideas about formal legal procedures. They generally, lack awareness of legal provisions, confidence and are not sure of the cost involved to pursue cases and that place them in a position of insecurity in relation to stool land in the villages.

Moreover, it was stressed by the women that the educated men that form the majority in the villages had knowledge of the legal plural systems of law regulating land and might make it complex if an illiterate woman is to pursue land case. The aim of preventing them to pursue cases is to discourage women land ownership and protect the traditional values in the society. In all the villages, it was observed that women have limited resources and little access to relevant information on their rights under law which often makes them incapable of taking steps to claim the rights especially when their rights in relation to land are threatened by elites or traditional authorities.

5.1 The traditional structure

The traditional leadership structure in Ghana is in the form of hierarchy. It starts from the clan head called (*Abusuapanyin*). The one sitting above the clan head is the village chief known as (*Odikro*) literally the owner of a village. The next is the (*Omanhene*), which is the paramount chief usually the traditional leader at the district level. The one at the apex is head of the tribal group which is the king and among the Asantes is (*Asantehene*), (*Ga Mantse*) for the Gas, (*Yanaa*) for Dagombas and (*Nayiri*) is for the mamprusis. The common duties among the leaders are that they serve as custodians of ancestral and community land, custodian of customary laws and traditions, initiate and champion development activities in the areas. They are also responsible for the maintenance of law and order including presiding over settling land and non-criminal disputes. They have the power to exclude other people from access to resources from stool land.

There are territorial divisions made up of towns and villages that are ruled by the sub-chiefs who owe allegiance to the paramount chiefs at the district level whereas the paramount chiefs owe allegiance to the Asante king (*Asantehene*). The district level has traditional council of elders which consist of chief (*Ohene*) and his (*Ohenemaa*) queen mother, sub-divisional chiefs (*Apankanhene*) and some clan heads (*Abusuapanyin*) that perform administrative functions within their territories but difficult issues beyond their capability are referred to the (*Asantehene*) for final settlement (Kendei and Guri, 2004). In the communities, indigenes access customary lands through their lineage, especially males despite the practice of matrilineal system of inheritance. Land is acquired from the communal land through the chief who serves as a custodian or family land is acquired through the clan head (*abusuapanyin*). These leaders form property rights and enforce them in their territories because they have the power to exclude others from using resource from the stool land. They also help in shaping the allocation of resources within families.

However, in most cases males inherit land from their parents but women have user rights and can only inherit the land if the males are not interested and are far from their home towns or villages. It is important to note that, the sub-chiefs are located close to forest communities and they are the first contact persons on issues related to land and forest reserves. In addition, they directly assist the FSD staff to manage and protect the forest reserves. The chiefs claim that the villages were there before the establishment of the forest reserves and there is strong link between ownership of land and forests (Mayers and Kotey, 1996). As a result, the chiefs and selected committees collaborate with the government for management and protection of the forests.

5.2 Types of forest land and stakeholders in the villages

The off reserves include community forest, sacred groves and forest plantations. The community forests are wood lands outside the forest reserve but the timber trees found there belong to the government. The resources found in these forests are exploited by community members. The exploitation includes cutting of trees and extending farm land because the land belongs to community members. However, these types of forests and resources are depleting in the villages because of population increase and extensive cocoa farming.

The sacred groves are found in almost all the villages. The groves are communal land reserved for religious purposes. They are usually small in sizes and no one has the right to access any resources in the groves. There is no inheritance of land or purchase of land for

development in the groves because they have great socio-cultural and religious significance. In addition, they are associated to beliefs and values of the local people. In the villages the traditional authorities use different strategies to avoid human activities in the groves. For instance, it is a taboo to use the trees of the groves for firewood and people are restricted entering into the groves in some particular days which is recognized and respected in the villages because of the belief associated to the groves (Dumenu *et al.*, 2014). These practices help to restrict the exploitation of forest resources. The fetish priests in the villages control the groves and can go into the groves at anytime because they are noted to be spiritually strong.

There are also forest plantations popularly known as the taungya system. This is where forests are established by small scale farmers, which they are allowed to cultivate crops between the seedlings of forest plantations for few years after planting. The aim is to restore forest cover and solve the land shortage problems for farmers in the forest communities and also provide labour for plantation development for the Forest Division Department (Dumenu *et al.*, 2014). Most often parcels of degraded forest reserves are given to farmers and the aim is to produce commercial timber in relatively short time and produce food crops.

In relation to Agarwal (2002), land can be acquired through government transfers: The land can be taken from the traditional authorities by force and be transferred to landless people, compensate traditional land owners for the land or formalize the traditional norms to enable many people acquire land. The taungya system can be regarded as formalizing the traditional norms of access to land by giving the chance to women and migrant famers who are capable of planting seedling and cultivating crops on stool land. Moreover, the government land transfers occur as part of land reform programs. It can occur as antipoverty measure to relocate land to small scale farmers or displaced people. It is important to note that, irrespective of the programs, land is usually given exclusively to men even in communities that practice matrilineal system of inheritance (Deere, 1987). In the focus group discussions, it was revealed that the taungya system is opened to both men and women but men were given the chance. There are a lot of procedures the women would follow access the land, which are not the same as men in the communities.

It is regarded as win-win situation. In addition, the ownership of trees in the taungya system is recognized and there is a well established benefit sharing based on tenure. The taugya system were found in New Yakasi and Asantekrom where farmers asserted that they were satisfied by the taugya system and would like the reserves to be given to them by the government of

Ghana. Contrary to that expression, the staff of the forestry department emphasized that some farmers do not handle the system well because the trees are not well stocked and other farmers fell matured timber trees without their knowledge. These practices bring mistrust between forest authorities and the farmers under the taungya system.

5.3 Institutions of forest land

There are two major categories of forests in the communities: the forest reserves and off reserves. The forest reserves are fully vested in the state through Forest Ordinance of 1927 and have never changed. As a result, all forest and timber resources are held in the trust of the government of Ghana on behalf of the land owners. This implies that the land is not for the government but stool members (Ahenkan and Boons, 2010). However, traditional land owners have no access rights to trees in the forest reserves and even economic trees (timber) in secondary forests unless permission is obtained from the government.

Forestry Commission (FC) is the public body responsible for the regulation of forest resources, conservation, management and coordination of policies related to the resources (Schandorf, 2009). The commission embodies various public institutions and agencies to protect, manage and regulate access to resources. Currently, the division of the commission includes Forest Service Division (FSD), the Wildlife Division (WD) and the timber industries, which have their specific mandate and vision in the districts. Access to land is complex and challenging because the government acquires land from the traditional authorities to establish forest reserves in the villages. This implies that the government has no absolute control over forest land but the constitution of Ghana allows the government to use any land for public interest.

However, trees must be cleared in the forest for agriculture activities, which is also illegal to fell trees in the forests. In the villages it was found that the land belongs to the first settlers (community members, clans and families) and the chiefs in each village hold the allodial interest in land on behalf of the people. A family member or a group derives usufruct interest in the land because the land is inheritable under customary law or because a person has blood relation with the indigenous society in the villages but much will depend on the number of people expressing interest and who has the right to the land at a given particular time.

The customary law allows a family member of a particular stool to use the land or build on it as personal use but a family member can also allocate their family land to non-member for subsistence farming after consulting the entire family that own the land. In the villages, it was

explained that land allocated for commercial agriculture purposes demanded extensive consultation with respective customary trustees that include chiefs, clan heads, traditional priests and family heads.

5.4 Women and their rights to agriculture land

The women in the village have limited land rights because they have user rights but not ownership rights. The statutory law grants women land right just as men. For instance, patches of degraded forests were given to both women and men by the government in the taungya system to cultivate and plant trees in New Yakasi and Adonikrom where men and women have the same access rights. However, the customary law assigns greater control of land to men and the institutions prescribes how land is passed to a family member and usually men inherit land because women are excluded in both the patrilineal and matrilineal practices of inheritance in the communities. It was confirmed by key informant that the customary law has great influence on women's property rights to land because the married, divorced and widowed have limited land rights. In the communities, women that have security over land somehow lose it upon dissolution or death of a husband.

The informants emphasized that the traditional laws do not guarantee property rights to women especially land, which is contradictory to the legal framework of the state. This makes poverty to persuade among women in the communities. It has been established that the risk of poverty and well-being of a woman and her children depends significantly on whether or not she has direct access to income and productive resources such as land and not just access through her husband or other male family members (Quisumbing and Maluccio, 2002). In line with this the women said they needed independent land ownership and control to actually benefit from REDD activities in the villages not through their husbands.

The land is passed directly to sons and nephews. These days there is great competition over land because of population increase in the villages, which makes land becoming more valuable and the male lineage members seek their rights making women losers. It was found that women land rights under the customary law is secondary because they are derived through their membership in the households and lineages and they sometime secure primary rights through inheritance when their husbands are no more, which are not secured. In any case, the women have user rights but ownership rights are not secured because they are not clearly defined by traditional law or documented. Moreover, they are subject to change depending on different circumstances. For instance, the brothers of the deceased husband can

confiscate the land from the woman or member of the stool can demand user rights. In worse instances a traditional leader may confiscate the land from the woman.

5.4.1 The various ways women acquire agriculture land in the forest zone

In the villages it was found that the women acquire land through lineages, inheritance, and contractual agreements. It has been established by customary law that all subjects of the stool and lineage members regardless of sex have rights of access to land held by the stool or clan head that serves as custodian of the land. The interest that members have for the land is known as freehold and it is affected by a number of factors that include land scarcity, marital residence, production related issues and gender bias in terms of size of land given to women if there is any in the family. There is another detrimental factor that cannot be ruled out is sexual division of labour in relation to productive resources. For instance, most women were found being restricted of controlling the land they use because traditional rules do not permit women to control land and the resources when their husbands are around.

Table 2: The nature and access to land through inheritance

Gender	Easy	As before	More difficult	Total
Male*	5 (3.2%)	21(13.5%)	129 (83.2%)	155 (100%)
Female*	2(4.4%)	7(15.6%)	36(80.0%)	45 (100%)
Total	7(3.5%)	28(14.0%)	165(82.5%)	200(100%)

indicates significant differences across gender*at $P < 0.01$; **at < 0.05 ; * at $P < 0.1$*

Source: Konlan, 2012

In addition, it was found that both male and female inherit land in the study area but the inheritance nature of the women is not clear. The women confirm they inherit land but it occurs in families where men have no interest in land. These days land is scarce in the villages and many people search for land for extensive cocoa production but 59% of the men said it is easy to access land through inheritance. However 18% of the women said the inheritance situation is the same as before because men inherit the land in the family and women benefit from the land their husbands inherit from their parents. Besides that 12% of the women said it was difficult to inherit land both from their family and married homes. This is a clear indication that women have limited access to land in the villages.

5.4.2 Gender contractual arrangement on agriculture and forest land

However, the women access land through contractual arrangement (share cropping) popular known as *abusa* and *abunu* in the villages. The *abusa* is where the women use their own resources to cultivate cocoa on a virgin land and they take (2/3) and the land owner takes (1/3) of the cultivated cocoa. Whereas the *abunu* is where an old agriculture land is given to the women to rehabilitate with the land owner's contributing to start up the farm based on which the cocoa is shared equally (1/2) between the land owner and the women. There was another tenancy arrangement known *dibimadibi or do ma mayenkye*. It is similar to *abusa* and *abunu* and the agreement is limited to land but not farm produce and the ratio of sharing is negotiable between parties.

In addition, the current and emerging agreement was called *awuba*. This is where a cocoa farmer sells his cocoa farm and the buyer will pay for some number of years and takes ownership of the cocoa farm. The arrangement is limited to rich people that have financial capital to invest into the cocoa farm for profit. However, the ownership of the land may not change because after the cocoa trees are cleared, the ownership goes back to the clan. The payment may vary and the seller could receive cocoa or cash payment for agreed years. The women confirmed that they are engaged in these tenure arrangements but the most difficult one is *abusa* because it involves clearing of forests or secondary forests which the women do not have the physical strength and financial capacity to clear a virgin forest to cultivate cocoa. The men without financial capital usually clear the forest themselves and may only get assistance from their wives. In the focus group discussions, the women said they would prefer *awuba* arrangement if they have access to loans in the banks but no collateral security to enable them secure loans. Furthermore the *awuba* system seems to be stable in terms of changing tenancy agreement in the villages than the other forms of tenure. The men are also engaged in the same type of tenancy agreement but land owners prefer men on their land to females because the men are capable of felling trees and may have different negotiations to put the land to proper use.

Table 3: The nature of clearing forest land by gender

Gender	Easy	As before	More difficult	Total
Male*	18(11.6%)	29(18.7%)	108 (69.7%)	155 (100%)
Female*	4(8.7%)	8(17.8%)	33(73.3%)	45 (100%)
Total	22(11.0%)	37(18.5%)	141(70.5%)	200(100%)

indicates significant differences across gender *at $P<0.01$; **at <0.05 ; * at $P<0.1$*

Source: Konlan, 2012

In the survey, it was confirmed by both male and female household heads that it was more difficult to clear the forest land not only because of forest protection but the financial resource to hire labor and buy agriculture input for coca cultivation. The male response was 82.3% confirming that it was a big challenge for them to clear a virgin land for *abusa* agreement. Whereas 64.5% of the women emphasized that clearing of forest land is more difficult for them because they cannot fell trees themselves or hire labour due low financial resources. However, 4.4% said it was easier and they were noted as migrant women from the northern part of Ghana that were ready to work hard to send money home for family support. This category of women has no alternative livelihood activity than to subject themselves to hard work.

5.4.3 Gender access to land through gift and purchase

There was another channel that women in the villages could access land, which gave them user rights. This was a transfer of land as a gift to a family or spouse. Those that were identified with such user rights said the rights are accompanied by many challenges. First, the women cannot sell the land because it is regarded as entire family property. The second and common among family members is that in-laws may confiscate the land but much will also depend on how much wealth the women have put on the land. However, there were some women that assumed owners and control pieces of land that were given to them in families that have no interest in agriculture activities. This type of gift is no longer practice in the village due to limited availability of land in the villages.

Table 4: Access to land through purchase by gender

Gender	Easy	As before	More difficult	Total
Male*	18(11.6%)	29(18.7%)	108 (69.7%)	155 (100%)
Female*	4(8.7%)	8(17.8%)	33(73.3%)	45 (100%)
Total	22(11.0%)	37(18.5%)	141(70.5%)	200(100%)

indicates significant differences across gender*at $P < 0.01$; **at < 0.05 ; * at $P < 0.1$*

Source: Konlan, 2012

In addition, it was found that the channel that offers women opportunity to acquire land is through purchase. The traditional law allows women to buy land provided their money can afford. However, in the focus group discussions it was revealed that few women could buy land because of the costs involved. The business women in the area were identified with cocoa farms that they bought with the land but had no documents to cover the land. Moreover it is important to note that, the women that purchase the land had no control over it because their social position tends to prevent them to have independent access to private freehold land in the villages. In Boinso and New Yakasi the women that purchased land said their husbands control the land and the farm produce.

In all the women focus group discussions some women were positive about their husbands controlling the land, claiming it is another form of supporting their husbands but others thought they could have independent land ownership and control through the purchase. The ownership and control will enable them meet their personal needs easily without over depending on their husbands. The limited land rights to women put them at a disadvantage position and they need empowerment to change the situation. According to Agarwal (1994), equality and empowerment center on women position relative to men especially the ability of women to challenge male oppression within the home and in the communities. Land rights can make notable difference to women's bargaining power both in home and communities. It enhances their confidence level and sense of worth which enable them to negotiate better deals in the wage labor market, increase the respect they command in the society.

5.5 The effects of legal pluralism on women access to land forests in the villages

In the women focus group discussions, it was revealed that the traditional land tenure system is always changing to favor men. The elite and rich people in the villages ignore the formal legal framework but rely on the complex traditional land tenure to acquire and control land through bribe and other means. However, the state institutions that can enforce law to reverse the situation seem to be weak to ensure fair and equitable distribution of land that will benefit women. As a result, the women that demand land rights usually focus on land for the family rather than general land rights of the stool or community land. There were instances the women joined efforts with men and struggled against the state to access degraded forests for agriculture activities and plant tree to regenerate the forest but after the land was acquired, the women rarely gained rights to the degraded forests in their names.

In addition, the women emphasized that the traditional land tenure does not allow long term lease or purchase of land. The full control of land by the state could have allowed long term lease or purchase of land by individual or household. This type of land control may ensure fair and equitable distribution of land that can benefit women in the communities and can also reduce certain form of legitimacy and evidence such as elite and rich people's land ownership with the prove of documents. However, the women also said they have user rights to land and that enable them use the land for agriculture activities.

The women further stated that the ability to utilize land for the production of food crop or cash crop depends on their ability to raise money to buy inputs and other items necessary for the maintenance of the farm as well as mobilizing labor for cultivation. The best and easy way to raise money is credit from the bank, which demand collateral and land is the most important and available collateral for the poor people in the villages but women do not own land and cannot be used to access bank loan. These make women to depend on their husbands for assistance and allow their husbands to continue to own the land which they only have user rights.

5.5.1 The effect of legal pluralism on migrant farmer's access to land and forest in the villages

It has been noted that pluralism of authority over land allows people to choose the legal framework that provide them with the best claims (Kironde, 2008). This was reflected in the focus group discussions when migrant farmers emphasized that the stool members defend their cultural values by maintaining the traditional land tenure in the villages, which some have not been recognized by the state. These days they have added some laws that are not part

of the formal legal framework. They keep on changing to deny migrant farmers' access to land but could be limited to contractual agreement such as sharecropping and short term lease, despite the modern law that allows equal access and rights to land by citizen of Ghana.

This implies that the migrant farmers are extending legitimacy of their claim by referring to the state law of land rights. However, the indigenous society protects state access to land and the potential redistribution of the land to non members of the stool because it has been clearly stated in the 1992 Constitution of Ghana that the land belongs to the stool members. This contradiction discourages migrant farmers to invest heavily on their farm because they fear losing the land in the near future.

In the men focus group discussions, it was emphasized that the forest tenure in the villages is not clear because both the state and the traditional authorities own forests. They both determine which resources can be collected, in what ways and what condition. These limit migrants' access to forest resources. Furthermore, rules managing and controlling the forests overlap. For instance, the traditional land owners may grant permission to use the stool land by migrant farmer, which trees must be cleared to establish farm but the state authorities might not allow because it is illegal to cut down the trees. This always put the farmers in a difficult position to be engaged in commercial farming. They are afraid of losing the land in future. The traditional people that gained access to the forest resource have limited rights because it is always difficult for them to exercise full control over the forest resources including land in the villages. This insecure tenure over forests is leading to deforestation. Besides that, it puts migrant farmers at a disadvantage position because money paid for lease may not be refunded.

It was also revealed that the traditional authorities sometimes feel they have more rights, access and security through customary law or informal system but state law concerning forests is interfering. However, they have full control over agriculture land but not economic trees like timber. The land belongs to them but their access rights to forest resources are limited. The migrant farmers said the trust they have in traditional authorities over the use of forest resources is usually put aside when confronted by the staff of Forest Service Division at the districts. In Asantekrom and Boiso some migrant farmers emphasized that they were given the chance by traditional authorities to expand their farm land and they extended into forest but were stopped immediately by the state agents. Meanwhile members of the stool extended their cocoa farms into the forest but were not stopped by the forest staff. The migrant famers

attributed it to the fact that they had no money or network to influence the forest authority to use the forest land. It could also be that they do not belong to the stool and had no control over the land.

5.5.2 Power structure interaction and its effects on livelihoods

The formal institutions are characterized by functional and structural arrangement for forest conservation and the main agency responsible for forest and wildlife is Forest Commission where Forest Service Division (FSD) has been delegated at the district level at Aowin and Suaman districts. The department is responsible for access and control of forest resources. In addition, the district managers and range supervisors are responsible for monitoring and giving permit to access forest resources. They supervise the work of farmers, concessionaires for allowable cut of timber trees and activities of other stakeholders. There is also Community Based Forest Committees (CBFC) that collaborates between FSD and the local people towards sustainable forest management but their duties sometimes overlap and weak because of land ownership in the villages. The individuals that have land stretching into the forests sometime do not allow mentoring their activities by the committees because of their interest in the forest resources especially land for agriculture activities. This implies that management capabilities at the local level are weak.

However, this natural resources management is regarded as imposition to the local people because it limits their ownership, control and access to resources. Despite the partnership with forest staff to protect the forest, some local people are not willing to allow external constraints to influence their ability to continue with livelihood activities. As a result, they prefer to their ancestral rights and manage their land without compromising with forest protection. The stool members expand their farms into forests because they have freehold rights to land but the land is designated as forests.

The people engage in slash and burn method of farming which involved felling of trees for cocoa production. However, in the focus group discussions the women said they have no control over land and cannot extend farms into forests. Some of them confirmed that they rather assist their husbands to expand their farm land through labour or financial support because agriculture activities are their major sources of livelihood. It was also interesting to note that a woman clearing forest land may face challenges such as threat or intimidation from land owning members and the field supervisor from the FSD. Conversely, a man may be left alone if the clearing of land is for cocoa production. This also means that migrant farmers

may be comfortable on old agriculture land for tenure arrangement just to avoid any confrontation with the forest authorities.

These migrant farmers also said the land rights are based on inheritance and they have no rights to land. They cannot access forest land without permission from the land owning clan or family because they obtain user rights from them. The user rights can be obtained through various agreements such as lease, crop sharing and gift. The forest land cleared for agriculture purpose by farmers is exposed to risk because the forestry department can drive the farmers away because it is illegal to farm in the forests.

This implies the migrant farmers have no power to claim the rights to land in the villages. They have no full range of rights to trees in the forest and even natural occurring trees on agriculture land based on tenancy or contract. In the men focus group discussions in all the villages, migrant farmers disclosed that planting of trees on agriculture land is perceived gaining permanent access to the land or trying to extend the user rights of the land and they are discouraged by the land owners. However, outright purchase of land by a migrant farmer could be used for tree planting but that was not common in the villages.

The women in the area that lack access to land and forest resources perform multiple tasks such as home keepers especially the old women. The active ones were found engaged in income generating activities that include petty trading and working in cocoa farms. However, the educated ones that were found in the public sector combined two or more income earning activities to improve their livelihoods.

Table 5: Socio-economic factors of household income level by wealth groups

Household socio-economic factors	Unit	Poor	Medium	Less poor	Total
Age household head	Years	51,36	47,21	40,27	46,28
Education of the HH head	Years	2,19	2,12	2,42	2,24
Household adult equivalents		8,43	5,74	4,15	6,11
Consumer worker ratio**		1,88	2,06	1,73	1,89
Time to walk from house to forest	Minutes	58,97	74,99	68,13	67,36
Female headed HH*	(%)	26,86	26,86	13,64	22,50
Marital status					
Single*	(%)	7,58	6,06	9,23	7,61
Married	(%)	72,73	74,24	81,54	76,14
Divorced***	(%)	4,55	3,03	7,69	5,08
Separated*	(%)	0	3,0303	1,53846	1,52
Widowed*	(%)	15,15	13,64	0	9,64

*N=120, *indicates significant differences between income groups ***at $P<0.01$; **at <0.05 ; * at $P<0.1$*

Source: (Konlan, 2012)

In the villages there was identification of internal and external factors that brought huge variation in the income groups. The livelihood opportunities for the people in the villages were not the same. This has reflected in the income groupings. In figure 5 above, shows that the poor widowed had 15% on average whereas the less poor widowed had nothing. The factors that brought such variation include political conditions, cultural, agriculture activities and social that had impact on household choice of livelihood activities and outcomes. There were widows that had children and they formed part of farm labour. Besides that the children had other sources of income for the household. This can be applied to poor widow with children against less poor widow with no child and other income source. This was one of the situations that brought variation in the income groups of the people in the villages. In addition, some of the women said they had savings and other economic assets and productive equipment that are essential for pursuit of any livelihood strategy.

5.5.3 Access and use of agriculture and forest lands

In the villages forest cover was reduced because of various activities that include agriculture, charcoal production, extraction of firewood, building materials and others. However, the concern here is agriculture activities. Primary forest land is cleared for permanent agriculture land and secondary forest land is also cleared in the form of shifting cultivation which is also regarded forest encroachment in the villages. The access to land by income groups reveals that the less poor had advantage of access to land over the poor. It is important to note that,

the poor were observed to be the migrant farmers who came to the villages either for labor or to cultivate food crops. In the focus group discussion it was emphasized that the rich people have access power because they can influence the chiefs and clan heads to acquire large parcels of land for cocoa cultivation.

Table 6: Socio-economic factors by total household land cleared

Household socio-economic factors	Unit	Poor	Medium	Less poor	Total
Access to land*	Hectare	6,90	8,32	8,49	7,90
Permanent agriculture land*	Hectare	5,53	7,03	7,66	6,74
Land cleared in shifting cultivation	Hectare	0,57	0,47	0,30	0,45
Cleared forest last 10 years	Hectare	0,80	0,82	0,50	0,70
Other land	Hectare	0,00	0,00	0,02	0,01
Land on permanent agriculture**	(%)	0,86	0,82	0,88	0,85
Land on shifting cultivation*	(%)	0,07	0,06	0,03	0,05
Land under cleared forest*	(%)	0,07	0,12	0,09	0,09
Other	(%)	0,00	0,00	0,003	0,001

*N=200, *indicates significant differences between income groups ***at $P<0.01$; **at <0.05 ; * at $P<0.1$*

Source: (Konlan, 2012)

Moreover, some of them are the elite and could also influence the district forest officials to use forest land. In the survey, people were responding strategically when investigating land under cleared forests. The medium poor were transparent and could say how much forest land cleared and could give reasons for the clearing of forest for agriculture activities. The main reason was consumer worker ratio which gave 2, 06 for the medium poor in figure 5. This implies there are more mouths to feed than those that contribute in producing food and even income that could be used to buy food all year round. This category of household heads was noted to have more children in their houses than matured ones that could help in contributing to support the family.

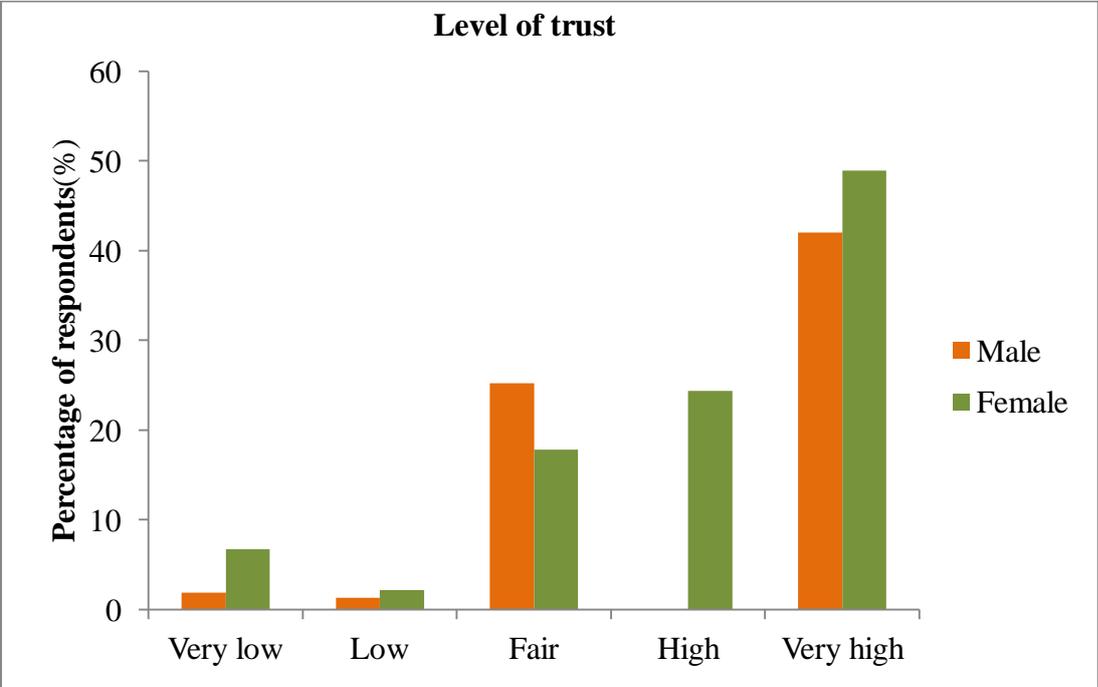
In addition, there were also many girls in their homes which the household heads do not allow them to work outside for longer period because their labor was needed at home but not in the cocoa farms. In the focus group discussions it was revealed that forest is cleared for mining activities and construction of roads to link villages. However, in the men focus group in New Yakasi, it was discussed that it is always interesting when forest issues are directed to farmers that are the real owners of the land but ignoring timber contractors that go deep in the forest to fell trees indiscriminately. The government should stop the activities of timber contractors first before preventing farmers in the area. This statement implies that the community

members do not get the benefit from the timber companies for using the land with forest resources. It also stresses the right to land and the benefit the people are expecting in the area.

5.5.4 Social capital in relation to land of women and migrants

The social capital in this paper, concerns the level of trust and relationship that influence a wide range of economic and political phenomenon in the study area. The level of trust nature of gender may strongly influence their economic success. The women in the villages said there is peace in the communities but land issues are generating conflicts and mistrust. Besides that, migrant farmers said, it is based on trust and good relationship with land owners that they could effectively work in the villages. This implies that the migrants have trust in the indigenes and can rely on them for land.

Figure 5: Gender level of trust in people in the village



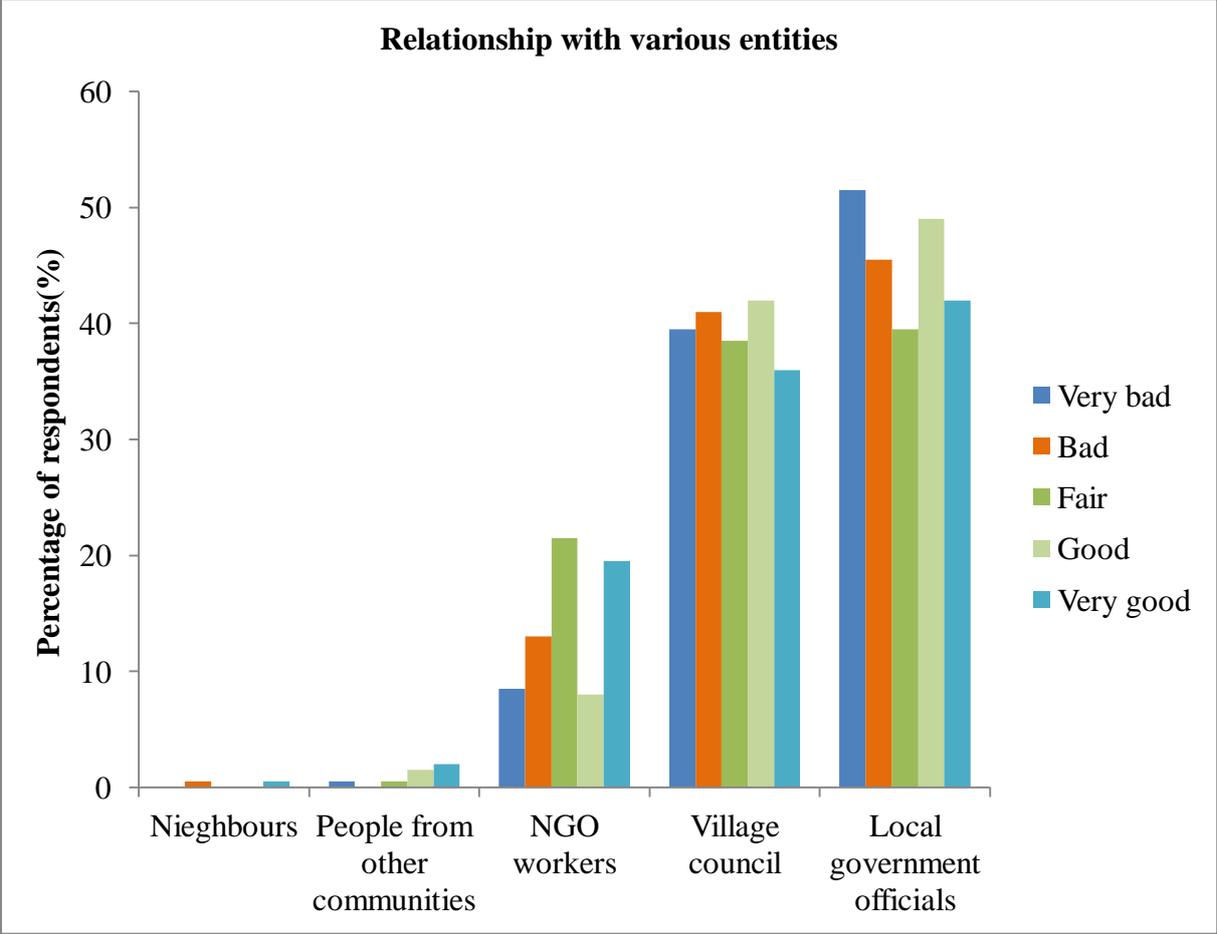
Source: (Konlan, 2012)

The people asserted that the level of trust is very high because there are collective and economic benefits that drive from reciprocity and cooperation between men and women but the challenge is control of resources and decision making process. The women confirmed that they have no control over land because of culture and the power men have over them in the communities. There were women groups in the cocoa industry but they were involved in the marketing of the cocoa and could share information regarding the cocoa business. The men

had cocoa farmers association and their aim was to support in buying agriculture inputs and market farm produce.

The leaders of the associations serve as intermediary between the cocoa farmers and government of Ghana on issues concerning the cocoa industry in Ghana. In the focus group discussions migrant farmers said they have associations but it was limited within ethnic groups where there is sharing of information and making decisions. However, the wives of the migrant farmers said, they only have trust in their husbands because they depend on them for survival and have no access to productive resources such as land and financial capital. In addition, they have no access to networks that lead them to jobs or attract private returns from the interactions with other people.

Figure 6: Household’s relationship with various entities in the Village

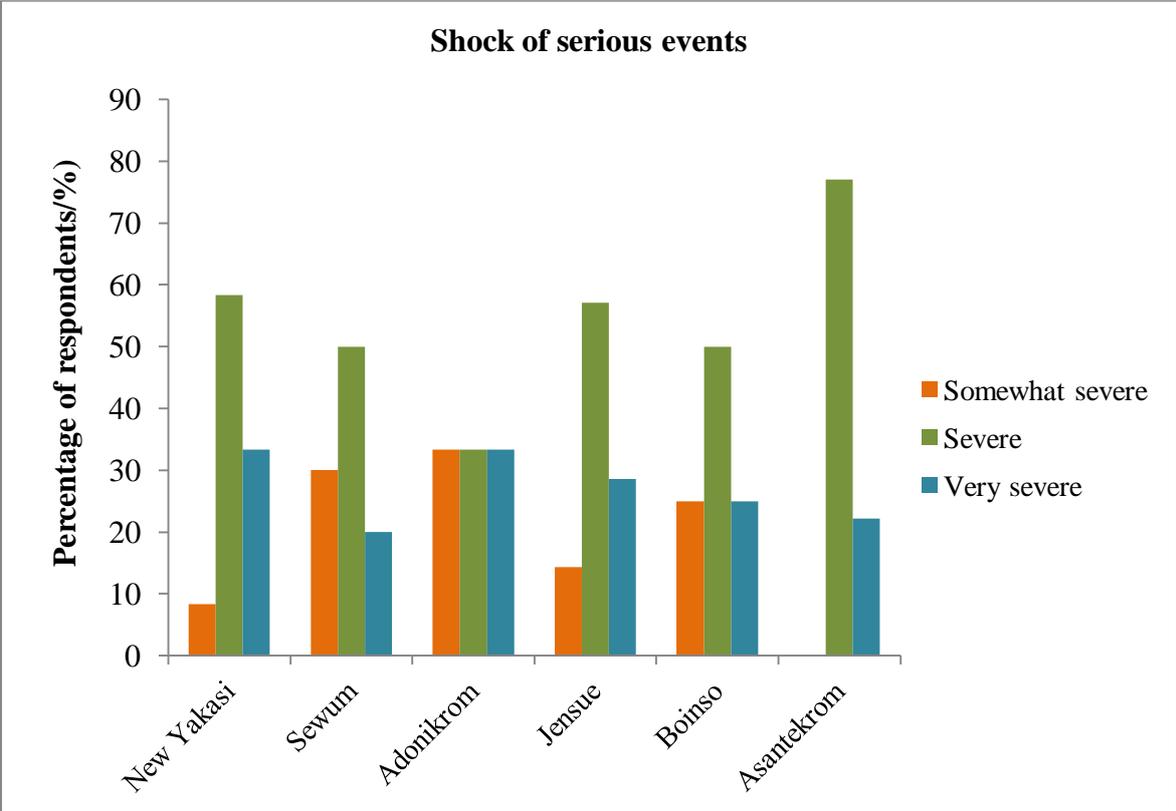


Source: (Konlan, 2012)

In the survey, it was difficult to establish the relationship of the people with the village council because 42% said it was good whereas 41% said it was bad. However, the local

government official had the highest 49% good and 51.5% bad. It was found in the focus group discussions that the government officials were referring to authorities in the district Forest Service Division. In Asantikrom, the men emphasized that the forest range officers are bad because they liaise with timber companies and chain saw operators to fell trees illegally but preventing community members to utilize the forest resources. In addition, those farming very close to the forest are not in good terms with them because they could see what the range officers were doing. Conversely, it was asserted by a key informant that the farmers’ relationship with forest officers is bad because of encroachment. In most villages cocoa farmers have extended their cocoa farms into the forests without obtaining permission from the Forest Service Division. The community members claim the land is for stool and they have the right to use the land. As a result, the range officers are always in a difficult situation when discharging their daily duties and in some worse situations farmers put them under serious threat in the villages.

Figure 7: Shock of serious events in the villages



Source: (Konlan, 2012)

The respondents mentioned various shocks that include deforestation, climate change variability, diseases, food shortage, protected areas establishment. However, dominant and

combined shock was loss of land and wage employment in the villages. The said in the cocoa producing area land value is high and land owners keep on changing rent and transferring use rights to people that have good financial position. However, the people that are affected by the situation are migrant farmers. It was observed that migrants that come from the northern part of Ghana easily lose land to clan members in the village especially when the land was used for food crop production. The cocoa farmers would prefer food crops to be intercropped with cocoa to mono-cropping (food crop). As a result, a clan member may confiscate the land to expand cocoa production. In all the villages it was disclosed that some people lost land. Specifically in Asantekrom 77% as the highest confirmed they experience severe lose of land. The people emphasized that they cope with these shocks by employing different livelihood strategies that have no clear combinations but depend much on the type of shock that people face and the strategies that are available and can be adopted.

5.5.5 Summary

The land in the villages is owned by the traditional authorities and forest is owned by the government. This implies that the land designated as forests can be taken by the traditional authorities when the trees are cleared. In all instances both the law of the state and law of the traditional authority operate, complement and overlap. This illustrates the multiple legal systems in relation to land in the communities. However, the indigenes access customary lands through their lineage, especially the males despite the practice of matrilineal system of inheritance in the villages. The males inherit land from their parents and women could only inherit the land if the males are not interested in the land and are far from their home towns or villages. Women may inherit the land of their deceased husbands which could be temporal.

It was discussed that access to land and forest resources is tied to land and tenure. The women that have access to land through their husbands and finally become widowed, divorce or separated lose their property rights as consequence and are vulnerable in the villages. Land is acquired from the communal land through the chief who serves as a custodian. In some cases, family land is acquired through the clan head. The women can purchase land provided they can afford. However, the women that purchased land have no full controlled over the land. In the cocoa and forest frontiers women are involved in agriculture and forest activities. They produce both cash and food crops and engaged in agriculture process industry such as palm oil, soap making, cassava flour process and others. However, given the gender structure and socio-cultural environment, women in the villages lack access to and control of economic assets such as land and credit. The men and women have access to forest resources but the

type of forest resources and interests are different. The men often clear forest for agriculture activities and collect forest products in commercial quantities. The women collect forest product for sale but most women use the forest product to support household needs. Besides that women have less access to social capital, which include education, legal rights and capability to participate in decision-making processes related to land in the communities. The government ensures property rights to both men and women but the traditional authorities give limited access rights to women in the communities. This makes it difficult for the women to improve their livelihoods.

6. TYPES OF FORESTS LAND, AGRICULTURE LAND AND BENEFIT SHARING ARRANGEMENTS OF GENDER AND MIGRANTS

This chapter offers the types of forest resources and benefits sharing to gender and migrants. The benefit sharing mechanism in relation to REDD can be categorized into two: the vertical and horizontal. The vertical concerns the distribution of benefit from national to local level whereas the horizontal benefit sharing is distribution between and within communities and households (Dumenu, 2014). In this study, the main focus is the horizontal distribution. These benefits include benefit from agriculture land, forests, revenue and institutions. These areas will be linked to possible implication to REDD activities in the high forest zone.

It is important to note that, benefit is regarded as all kinds of direct or indirect benefits attributed to a particular forest by all actors. The direct benefits are referring to material benefits that can be sourced from the forest and forest land. Specifically, the direct benefits include land for cultivation, timber and non-timber forest products, wildlife, downstream water availability, watershed protection, protection of habitat and others (Sikor *et al.*, 2014). Whereas the indirect benefit include those provided by outsiders in relation to forest management like cash payment, the provision of infrastructure such as schools, hospitals, safe drinking water and supply of material such as high yielding seeds variety and others provided they are linked to forest management. It is obvious that women and migrant farmers benefit from the indirect ones but the challenge is the direct benefits.

6.1 The benefit sharing from agriculture land and forest resources

It was found that there were four recognized benefit sharing arrangement in the forest sector. These forms of benefit transform the life of the local people to some extent. They include the constitutional timber revenue benefit sharing, the modified taungya system (degraded forest tree planting) benefit sharing, commercial plantation benefit sharing arrangement and Community Resource Management (CREMA) benefit sharing. Another benefit sharing in the agriculture sector at the local level was the sharecropping arrangements. The benefit sharing coming from forest resources was noted to pose a challenge because the trees are for the state and when the trees are cleared the land belongs to the stool members. Moreover, natural occurring trees on agriculture land are for the state but trees that have been planted will mean that the planter has exclusive rights to the trees. In all these benefits sharing arrangements, women and migrant farmers have limited rights.

In relation to legal pluralism-the state versus non-state legal orders, there is a debate on access to land. There are some people that argue that the interests of the ordinary citizen, the poor and underprivileged in the society are best served by the authority of the customary and other non-state regulatory orders especially issues related to land. Whereas those in favor of formal law argue that the state law is the best protector of the poor and the excluded against locally inequitable power structure and gender bias (Crook, 2007). However, these benefit sharing arrangements are much controlled by the state but there is no clear benefit to migrants and women in the communities. One of the reasons could be that the government is not willing to change some of the traditional norms to enable women and migrants to own and control land in the local communities.

6.1.1 Timber revenue benefit sharing

The nature of this timber revenue sharing benefit rights brought multiple beneficiaries and their respective percentage share from the timber revenue which comes from forest reserves and off-reserves. According to Dumenu *et al* (2014), the Forest Commission takes 50% of the share because of management responsibility and ownership of trees. The district assembly has 25% for community development. The Office of the Administration of Stool Lands (OASL) takes 5% for administrative expenses. The stool takes 11% for maintenance of the stool to keep its status. Lastly, the traditional authority takes 9% for being the owners of the forest land but that is not clearly stated in the constitution of Ghana.

However, the benefit sharing mechanisms of the timber revenue has not factored in gender dimension and migrant farmers who are engaged in sharecropping and their rights to land in the villages. The activities of these people are very crucial for REDD development in the villages. In the focus group discussions, the women emphasized that they do not directly benefit from the timber revenue despite the fact that they belong to the stool. They only benefit from the corporate social responsibility agreement of the timber companies in terms of infrastructural development in the communities. They further stressed that the traditional authorities claim they use the money to maintain the stool but in reality they use the money to develop themselves. The migrant farmers also said they do not belong to the stools and cannot benefit from the stool land because the benefit is limited only to blood related members.

However, the men focus groups emphasized that the 50% the Forest Commission takes as its share is very big as compared to the 9% given to the traditional authorities. This amount cannot be shared between stool members including women in the villages. As a result, the

money usually ends up in the hands of few chiefs and clan heads. This implies that the chiefs have power to exclude some people from benefiting. According to Sikor *et al* (2014), exclusion is the right to define what actors is entitled to or not to enjoy the benefits at stake and this may include the allocation of logging quotas or payment for environmental services in the case of REDD. The exclusion in relation to women and migrant farmers can even be traced from the national level where the percentage of allocation is determined.

6.1.2 The Modified Taungya system benefit sharing

The modified taungya system involves famers and those that owned land and forest resources to rehabilitate degraded forest while maintaining their livelihoods. This system clearly defined property rights of farmers and land owners in the villages. The taungya system was found in New Yakasi and Adonikrom. There are underlying bases for assigning percentages to members. According to Dumenu *et al* (2014), the Forest Commission takes 40% for providing technical assistance, demarcation and mapping of sites, monitoring quality control, plantation management and marketing plantation products. The farmers take 40% for seedling production, land preparation, planting and maintenance of plantations. The land owners are given 15% for providing land, community mobilization and conflict resolution, assurance of uninterrupted access to the allocation of land for the Forest Commission and other stakeholders. Lastly, the Forest Fringe Communities (FFCs) are given 15% for protection against encroachers, illegal activities, wildlife prevention and control. In the focus group discussions, it was found that the taungya system is opened to both indigenes and the migrant farmers.

The FSD manager determines who should be given the degraded land even though the chiefs are also consulted as a formality. In the villages, migrant farmers were found participating in the Taungya system and it was confirmed that they take their share of percentage regularly but a migrant farmer in Jensue said, “*some of us have been planting the trees but the forest authorities do not give us what we expect and because of that we sometimes cut the timber trees for personal use.*” (June, 10, 2014). The women said they are allowed to participate but need capital to start. Others said labour is a constraint because they are not strong like men to be engaged in preparing the land and seedlings at the same time. However, there were few women that confirmed that they formed part of the taungya system in the villages and are given what is due them.

6.1.3 Commercial private plantation revenue sharing

The intention of Forest Commission to increase forest cover and reduce deforestation came out with a policy that enables the allocation of portions of degraded forest reserves to private entities for plantation development in the villages. There is also an opportunity for farmers and communities that own land to develop plantations outside the forest reserves and apply for support from Forest Plantation Fund. The two forms of plantation development have different benefit sharing. In the degraded forest reserve, the developer shares the revenue with the Forest Commission, local community and the land owners of the forest.

However, plantations outside the forest reserves benefit sharing depended on whether the private developer is a tenant or sole owner of the land being developed for the plantation (Dumenu *et al.*, 2014). The various stakeholders share the benefit in the following ways: Under the degraded forest reserve, the private entity takes 90%, the forest land owner takes 6%, the local community is given 2% and the remaining 2% goes to Forest Commission. The private plantation developer who owns the land and it is located outside the forest reserve takes 100% of the benefit. However, a private plantation developer outside the forest reserve who does not own land takes 67% and the land owner takes 33% of the benefit.

In the focus group discussions the permanent migrant farmers said they were much interested in developing plantations in the degraded forest reserves because there are effective monitoring, evaluation and marketing of forest products. In addition, there is consideration when eventuality occurs such as failure of rain and fire outbreak that might destroy the plantation. Whereas plantations outside forest reserves may lead to conflict because land owners may need their benefits without considering the bad event that occurred. Conversely, the temporal migrant farmers preferred plantations outside forest reserves because the terms of sharing of benefit are flexible. For instance, a tenant farmer may develop plantation outside forest reserve and when he intends to migrate to another place, when the trees are not matured for benefit sharing, the tenant can sell the plantation to the land owner or transfer the ownership rights of the plantation to another person for cash. However, women were not found benefiting directly from these types of arrangements.

In the villages, migrant farmers who were not into cocoa cultivation were engaged in either contractual agreement and sharing benefit or working as laborers in the plantations. The women emphasized that they do not own land and cannot benefit from this type of forest land and the land outside the forest reserves. They may indirectly benefit from what their husbands take as land owners or plantation developers.

6.1.4 Community Resource Management Area (CREMA) benefit sharing

In the villages there was Community Resource Management Area benefit sharing. This comprises two or more communities surrounded by the forest reserves agreed to incorporate sustainable wildlife and forest management into existing land use (Dumenu *et al.*, 2014). The rationale is to put adjoining communities into wildlife management while providing them with economic incentives through sustainable income generating activities. This mechanism may help to reduce pressure on forest and wildlife resources. It has even extended to forest management in the forest communities. As a result, the CREMA³ communities have developed their own benefit sharing arrangement among stakeholders based on value of resources, equity and need.

There are two major stakeholders in CREMA and these are the Executive Committee (EC) and communities involved. It was found that revenue ranging from 5-10% goes to the EC and 90-95 is given to communities for development purpose (Dumenu *et al.*, 2014). However, the benefit sharing varies from one CREMA group to another in the villages. In some villages one CREMA group may decide to share with the district assemblies for development purpose and the traditional authorities for maintenance of the stool. In Jansue, the men in the focus group said benefits from livelihood activities such as hunting, harvesting of Non-timber Forest Products (NTFPs) and sale of bush meat are usually shared between CREMA group members. Whereas the men's groups in Adonikrom and New Yakasi said income generating include membership dues, penalties from offenders, sale of NTFPs and others and this is shared with the district assembly and the traditional authorities.

However, the CREMA involves men and women which make it possible for women to also benefit from the activities. In the focus group discussion women confirmed that they extract forest resources such as NTFPs for soap making. The CREMA activities provide alternative livelihood to migrant and gender in the communities. In addition some women said they belong to the stool and the share that is given to the traditional authorities for attendance of the stool is another form of benefit sharing to both men and women in the communities.

6.1.5 Sacred grove benefit sharing

The sacred groves in the study area were small patches of forest set aside for spiritual and cultural purposes. The forests were identified with objects such as big stones or rocks, sacred

³ It is a collaborative resource management unit within the Wildlife Division. The concept incorporates wildlife management into existing land use and takes community/communities as management unit in the villages.

trees, small mountains, rivers and others associated with spirits. Some were noted to be reserved for royal burial grounds and others were abode for traditional deities. These were visited occasionally for important ceremonies and religious rituals. The people said they derive the same benefit from the sacred groves because both men and women share common religious and cultural values. The groves contain sacred trees which the traditional priests use for meditational purpose and that are used by all the people in the communities.

It is worth to note that, other benefits were mentioned which may not be regarded as very important to some people. The key informants emphasized that they serve as wind breakers and protect the buildings of the communities against storm. They also contain endangered species and protect high level of biodiversity which can be considered as benefit to all the people. However, the migrant farmers and their wives said they have different cultural beliefs and do not share the same benefits though they obey the rules regarding the protection of the sacred groves. However, the virgin nature of the groves protect them against strong winds but the migrant farmers that were very close to the groves said they contain reptiles that disturb them, which implies that the groves were not really important to them.

6.2 Gender access, use of the state forest resources in the high forest zone

There are actors which include social groups and organizations involved in management of a particular forest. The common actors in forest governance are the various types of people such as cultivators, male hunters, women gatherers, chainsaw operators and others. These people are differentiated by gender, ethnicity, wealth, interests and others. There are also multiple kinds of social groups such as village communities or forest management groups, government agencies (Sikor *et al.*, 2014). These social groups have authoritative rights that affect other users. Authoritative rights are a sort of third-order rights which define control rights. These include rights of valuation or definition. These rights define the nature and discretionary space of control rights, including the rights of management, exclusion, transaction and monitoring.

It was found that both women and migrants collect forest products both legally and illegally for household use and commercial purposes in the villages. In the focus group discussions, women confirmed they were engaged in the extraction of NTFPs such as fire wood, charcoal burning, snails, mushroom, wild fruits, spices, sponges, leaves for wrappings and others on regular bases. The wives of the migrant farmers also confirmed that they depend on these forest resources to support their livelihoods because they have no access to land and may not effectively use agriculture land to cultivate food crops even if they had the chance without

assistance from their husbands. However, it was found that the women were more interacting with the forest because their access and use of forest resources were on regular basis than the men. The tradition of the people requires that women should support the feeding of family and in other situations the women are the main providers in the family. As result, women asserted they extract fire wood and burn charcoal for household energy use. They also collect snails, hunt for bush meat, collect mushroom, wild fruits and others for household consumption and commercial purpose.

The women value forests as sources of food because they have limited access to land for the cultivation of food crops. The women emphasized that access to forest resources could be seasonal. In the rainy season, it is always difficult to go deep in the forest to extract resources but they go round the periphery to collect snails, leave wrappers, sponges and mushrooms in commercial quantities. The access to the resources depended on the confidence and network of the women because of issues related to management and control of the forests.

In the men focus group discussions, it was confirmed that men get a lot of benefits from the forests. They are engaged in extraction of poles, timber, palm branches for roofing, roots and bark of tree for medicine. They hunt and trap wild animals as bush meat for household use but the big animals are for commercial purpose. It was confirmed that they are engaging in activities that demand physic and endurance. Hence they could harvest wild yam (*ahabayere*) which requires strength and was noted to be very important food to men. Besides that, the men were observed clearing the forests for cocoa production and harvest of timber which accelerate the rate of deforestation in the villages where as the activities of the women could have gradual effects on the forests.

The migrant farmers were engaged in both legal and illegal felling of tree for timber and poles extractions. In addition, they were engaged in hunting, harvesting of honey, extension of farms, harvesting of herbs, palm wine tapping, harvesting of firewood and charcoal burning. Some of them were found in forest management activities and even tree planting in the degraded forests. In Jensuu, a migrant farmer said he has been extracting the forest resources without permission from the forest authorities because the land owners also extract the resources without the permission from the forest authorities. Furthermore, the migrant farmers sometime see indigenes dodging when engaged in illegal activities, especially chain saw operators in the villages. This implies that the migrants consider state forests as common property and for the benefit of all Ghanaians. A person that might be caught with illegal

activities regardless the relationship with the stool will pay fine as stated in the constitution of Ghana.

Table 7: Households' dependence on major forest resources and income by location

Sources of forest income	New Yakasi (n=30)		Sewum (n=30)		Adonikrom (n=30)		Jensue (n=30)		Boinso (n=30)		Asentekrom (n=50)		All sample (200)	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Firewood*	1228,1	72,2	754,5	69,3	971,0	70,3	714,0	70,6	856,8	70,8	592,6	96,1	826,8	74,3
Poles*	308,3	18,1	124,1	11,4	255,7	18,5	126,0	12,5	163,6	13,5	21,4	3,5	152,0	13,7
Charcoal	162,4	9,6	196,0	18,0	151,2	11,0	10,1	1,0	190,4	15,7	0,0	0,0	106,5	9,6
NTFP*	1,6	0,1	13,6	1,2	2,8	0,2	161,6	16,0	0,0	0,0	2,6	0,4	27,6	2,5
Total	1700,4	100,0	1088,1	100,0	1380,7	100,0	1011,6	100,0	1210,8	100,0	616,7	100,0	1112,9	100,0

(N=200). * indicates significant differences across villages***at $p < 0.01$; **at $P < 0.05$; *at $p < 0.1$

Source: (Konlan, 2012)

It was found that in the villages almost every household uses firewood as main energy source for cooking and in the sampled population 74% agreed the use of firewood as compared to 13% of charcoal use. However, the people that were involved in charcoal confirmed that the production was meant for commercial purpose. In Boinso, a migrant farmer said he was employed as a care taker of cocoa plantation but burn charcoal to support his living. The money for being a caretaker will be obtained at the end of the cocoa season. The wives of the migrant farmers were noted for the sale of firewood and charcoal in the markets. The NTFPs were collected by both migrants and indigenous people but in Boinso, the people responded strategically because they thought formal interview by a researcher could deny them access to the forests. However, people in the households were observed using NTFPs. In addition, poles from the forest were found in all the houses roofed with thatch and palm leaves in the villages.

Table 8: Dependence on major forest resources by income groups

Sources of forest income	Poor (n=67)		Medium (n=67)		Less poor (n=66)		Total (n=200)	
	Total	%	Total	%	Total	%	Total	%
Firewood*	568,0	91,8	844,0	75,0	1072,1	66,9	826,8	74,3
Poles*	24,4	3,9	145,6	12,9	288,0	18,0	152,0	13,7
Charcoal	20,1	3,2	132,9	11,8	167,5	10,5	106,5	9,6
NTFP*	6,3	1,0	3,0	0,3	74,2	4,6	27,6	2,5
Total	618,7	100,0	1125,6	100,0	1601,7	100,0	1112,9	100,0

(N=200). * indicates significant differences across villages***at $p < 0.01$; **at $P < 0.05$; *at $p < 0.1$

Source: (Konlan, 2012)

Apart from the income the income that formed the basis of the grouping, the poor in the villages were observed to be female household heads and migrant farmers in the community that had no access to land but serve as farm laborer in the cocoa farms. These people main source income and energy for cooking come from firewood with 91.8% as compare to charcoal which 3, 9% income source. In Boinso and Adonokrom, the men emphasized that it takes approximately a week to produce charcoal in the forest but takes a day to harvest firewood and transport, which people can easily dodge the forest staff but the time to produce charcoal in the forest could result in paying fine to the forest authority. As a result, the poor people usually carry wood from the forest to agriculture land to produce the charcoal which is a challenging task. However, much of the charcoal produce by the income groups is sold in urban markets and less for domestic use.

Table 9: Dependency on the major forest resources sold and used by gender

Gender	Charcoal sold	Charcoal used	Fire wood sold	Fire wood used	Pole sold	Pole used
Male	14 (60.9%)	155(77.5%)	138 (77.5%)	155(77.5%)	29(82.9%)	155(77.5%)
Female	9(39.1%)	45(22.5%)	40 (22.5%)	45 (22.5%)	6(17.1%)	45(22.5%)
Total	23 (100%)	200(100%)	178 (100%)	200(100%)	35(100%)	200(100%)

Source: (Konlan, 2012)

In the survey, both male and female respondents confirmed they use charcoal, firewood and pole from the forests in their homes but the sale of these resources was done by all the respondents. It was found that 60.9% of male were engaged in the sale of charcoal against 39.1% of women. The women in the indigenous society said they produce for sale whereas the migrant farmers produce the charcoal and engage their wives to transport them to urban markets. It was also discovered that 77.5% of men were involved in firewood harvest for sale whereas 40% women said it was their livelihood activity. It is important to note that some of the men and women said they sell these resources occasionally and others said they do that on regular basis to earn a living.

Table 10: Important forest resource for migrant farmers-use and sale in the villages

Food	Medicine	Household resource
Bush meat	Leaves	Firewood
Mushroom	Tree barks	Charcoal
Snails	Roots	poles
Wild fruits	Seed and nuts	Mortar
Seeds	Animal products	Canes
Honey	Spices	Chewing sticks
Cola nuts		Leave wrappers
Palm wine		

In the focus group discussions in all groups, migrant farmers that came from the northern part of Ghana who did not belong to the Aowin and Suaman stools and had no access to land through inheritance or other means depended on forest for their sources of food, medicine and other forest resources needed for household use. The farmers confirmed the resources were taken in commercial quantities to urban cities. In Adonikrom, a migrant farmer's wife said she has been selling chewing sticks and leave wrappers in urban markets for many years to support family income because she had no access to land. The forests are the main sources of

their livelihoods. As a result, strict protection of the forests will affect the vulnerable groups that include landless, migrant farmers and women who have no jobs in the villages.

6.3 Women's welfare in relation to land and forest resource use

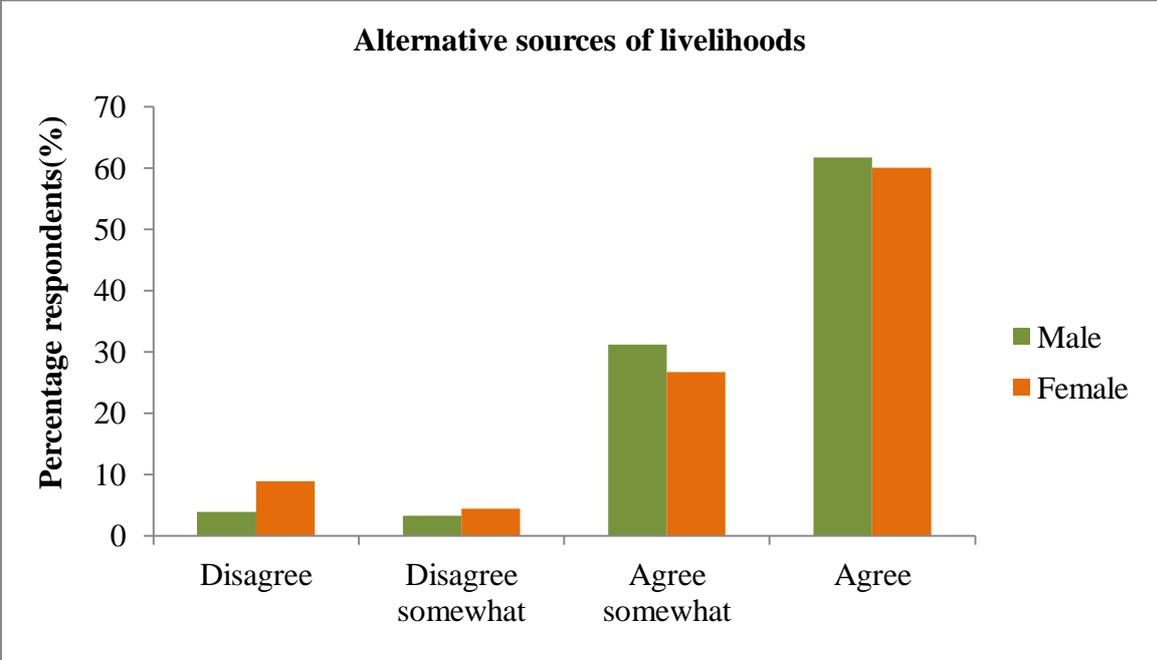
It has been noted that, in developing countries women rights to land could reduce household's risk of poverty and destitution in the rural areas. The reasons for giving land to women stem from positive effects of offering women to economic resources independently from men and the specific advantages associated with the rights to land resources including forests. It has been established that the risk of poverty and well-being of a woman and her children depends significantly on whether or not she has direct access to income and productive resources such as land and not just access through her husband or other male family members (Quisumbing and Maluccio, 2002). In line with this, it was confirmed in the focus groups that access to land and control are the basis for food and income production for women and wellbeing of household members. It was further stressed that access to water and forest resources is tied to land and tenure, which is very important to gender.

The women that have access to land through their husbands and finally become widowed, divorce or separated lose their property rights as consequence and are vulnerable in the villages. As a result, these women experience reduced economic, social and political status in the communities. The women in the focus groups emphasized that they assume responsibility of family farm when their husbands are sick in any farming season or take on wage work, which they produce efficiently. This implies that if they own and control land, the produce that comes from the land is not only for them but for the local market. In addition, it will improve their income situation since majority of them are not in regular paid jobs. They further stressed that the norm in the villages is that women feed and provide clothing for children and the burden is even greater when their husbands migrate to different location. There is the need for women get share of land either from parents or their husbands.

In the villages it was observed that there was no differentiation between forest land and agricultural land. The two types of land were regarded as stool land. In New Yakasi and Asantikrom, women stressed that land rights of women will increase productivity because they will improve land security that will provide incentive to invest time, labour and capital on the land. In addition, women's rights will lead to easy transfer of land to more productive farmers like some of the migrant farmers that are searching for land to increase production. In all the villages the women emphasized that formal banks such as Agriculture Development Bank (ADB), Ghana Commercial Banks (GCB) and others lending agencies usually require

collateral security and land forms part provided there is legal title. However, women rarely have land titles in the communities because of traditional allocation of land. This practice has reduced women’s access to capital and investment opportunities. The only benefit from the stool land is access to forest resources which reduce their vulnerability.

Figure 8: Compensation for loss of income from forests, alternative livelihoods



Source: (Konlan, 2012)

In relation to compensating people to stop clearing forest land for agriculture, harvesting wood resources such as fuel wood, poles/timber and wood for charcoal, the women were presented with different options to choose which could be the best compensation. These included cash payment, increase employment opportunities, alternative sources of livelihoods and better social services in the community. The people had varied options but better social services gave 72.7% male respondents against 68.8% female that agreed. However, increased employment opportunities had the highest respondents of 79.9% and 71.1% respectively. The reason for the highest response was the fact that most people were not in a regular paid work and thought that option could offer regular income to both men and women. The people also agreed to alternative sources of livelihood. Figure 8 above indicates 61.1% male and 60% female agreed to alternative livelihoods. The women emphasized that alternative sources of livelihood will improve their living standards, which will make them to be independent from men.

However, some chiefs that were interviewed expected to get REDD incentives in the form of infrastructural development such as good roads, hospitals, school buildings and clean water. Others wanted cash payments for the land they control. The women opinion leaders preferred community development rather than cash payment that may get into the pockets of individual land owners in the communities.

Table 11: The agency that can best handle REDD activities in the villages

Male	Disagree		Agree		Total
	Disagree	somewhat	somewhat	Agree	
NGOs	8(5.2%)	4(2.6%)	70(45.8%)	71(46.4%)	153(100%)
Government officials	15(9.8%)	11(7.2%)	58(37.9%)	69(45.1%)	153(100%)
Village leaders	21(13.7%)	18(11.8%)	34(22.2%)	80(52.3%)	153(100%)
Selected committees	14(9.2%)	11(7.2%)	37(24.2%)	91(59.5%)	153(100%)
Female					
NGOs	2(4.4%)	1(2.2%)	18(40.0%)	24(53.3%)	45(100%)
Government officials	5(11.1%)	4(8.9%)	16(35.6%)	20(44.4%)	45(100%)
Village leaders	3(6.7%)	4(8.9%)	14(31.1%)	24(53.3%)	45(100%)
Selected committees	1(2.2%)	7(15.6%)	13(28.9%)	24(53.3%)	45(100%)

Source: (Konlan, 2012)

There were different opinions of men and women regarding the people that will best handle REDD activities in the communities. It was observed that they wanted to protect the cultural values by avoiding the sharing of benefit from land with the females because women do not own land in the communities. As a result, the men were in favor of specifically selected leaders. Hence, 91% male responded they wanted specifically selected leaders whereas 80% of the women wanted NGOs to form part of the REDD activities. In the focus group discussions the women said NGOs are helping them to fight for their rights and involve in activities that empower women in the communities. They may ensure equal and fair sharing of REDD benefits between men and women that belong to the stools in the villages. In the men focus group discussions the migrant farmers were inclined to NGOs with REDD activities including the distribution of benefits. The response pattern reveals that the marginalized people wanted neutral organizations to handle REDD activities in the villages or the combination of the traditional leaders and neutral organization.

6.3.1 Issues that could be associated with REDD program

In the focus group discussions, the women expressed positive attitude towards the REDD program and emphasized that the overall income in the villages will be better since there will be payment for environmental services or compensating people for the loss of income from forests and land. The program will improve the lives of women that can fight for their rights. They may get the cash benefit as direct payment to individual. The REDD incentives will improve the livelihood and reduce poverty of women provided there will be review of customary practices. The women who were uncertain that they could benefit cash payment said they can only benefit indirectly from REDD provided there is non-cash benefit such as infrastructure, community facilities or local development activities. The benefit sharing arrangement that will include women will genuinely involve all the people in development decision that affect them in the communities.

However, the women emphasized that they foresee various issue associated with the REDD program if there is no policy to address gender issues in the communities. The land belongs to stool and women are members of the stool and must benefit from the land. The REDD incentives are likely to go to men because women do not own and control land. There is also the tendency that woman views will be ignored because of power relation. In addition, there are issues related to land due to socio-cultural practices.

The educational level of the women is low and would serve as an obstacle such that they may not be deeply involved in REDD activities, which can easily lead to elite capture to the detriment of the women. The women are also foreseeing corruption and privatization of land. They asserted that some traditional authorities lease or sell land to non-stool members without consultation or exclusively take royalties without sharing with land owning members including women. This arrangement is recognized by the community members or the entire stool members. This may happen to REDD if there is no proper consultation with land owners in the communities. Gender equality is very important in REDD benefit sharing because it may address gender differentiated impact due to women position and power of men.

6.3.2 Solving issues that could be associated with REDD

It was expressed by the women groups that land issues should be addressed through the law court where there will be judicial examination of the issue. This is a proper place where proceedings are very formal and governed by rules. In the discussions it was evident that as much as they accept traditional rulings they wanted land issues to be settled by court. The traditional ruling will always protect the cultural values by granting land rights to men. The state grants property rights to both men and women equally. The few educated women even mentioned existing bodies that exercise judicial functions.

For instance, the Commission on Human Rights and Administrative Justice (CHRAJ) focuses on addressing violations of fundamental human rights and freedoms guaranteed by the 1992 Constitution and Acts of Parliament (GOG, 1992). This implies that in the near future women are likely to fight for their land rights as members of stools because they are gradually realizing their rights and looking for avenues to claim the rights. Specifically, CHRAJ seeks to foster a culture of respect for fundamental human rights and freedoms as well as administrative of justice and fairness in Ghana society. It also promotes integrity and decency in Ghanaian public life by investigating corruption and educating the public negative impact of corruption. The educated women asserted that they have witnessed cases handled by the commission and they have the feeling that the commission can best solve gender and land issues in the communities because the issues are much related to human rights.

6.3.3 Summary

There are various benefits sharing mechanism which include the constitutional timber revenue sharing, the modified taungya system (degraded forest tree planting) benefit sharing, commercial plantation benefit sharing arrangement and Community Resource Management (CREMA) benefit sharing with various stakeholders and percentage of distribution. This

implies that the people are experienced with forest related distribution mechanism. However, the available revenue distributions do not include women but may be a guide to come out with a framework that could capture women to facilitate the distribution of benefit associated with forest protection as part of REDD activities.

The women confirmed that access to land and control are the basis for food, income and wellbeing of household members but it was confirmed by key informant that the customary law has great influence on women's property rights to land because the married, divorced and widowed have limited land rights. In the communities, women that have security over land somehow lose it upon dissolution or the death of husbands. The poor women depend on forest resources for living. As a result, forest protection without compensation may affect the livelihoods of the women. In the women focus groups, it was revealed that they foresee various issue associated with the REDD program if there is no policy to address gender issues in the communities.

The land belongs to stool and women are members of the stool and must benefit from the land. The REDD incentives are likely to go to men because women do not own and control land. They would prefer land issues to be addressed through the law court where there will be judicial examination of the issues. It is a proper place where proceedings are very formal and governed by rules but absent in the traditional rulings. In addition, they will rely on (CHRAJ), which addresses violations of fundamental human rights and freedoms guaranteed by the 1992 Constitution and Acts of Parliament to claim their rights to land.

7. THE MIGRATION SITUATION IN THE COCOA AND FOREST FRONTIERS

This chapter presents the historical accounts of migration to the cocoa and forest frontiers and the reasons of migration. It includes the activities of migrant farmers and the current pattern of migration. In addition, there will be presentation of the relationship between the migrant farmers and the indigenous people in the villages.

7.1 The migrants in the cocoa and forest frontiers

The indigenous society is *Brussa* but mixed with different ethnic groups that migrated from all part of Ghana to the forest zone. However, it was observed that northern migrant farmers dominated among other migrants in the villages but Ewes and Fantes were also identified as farmers. In the focus group discussions and information from key informants indicated that the regions of these ethnic groups are not good enough for agriculture activities, which is regarded as a push factor of the movement.

However, the movement is also dictated by differences in weather and agriculture dynamics between the regions. The key informants revealed that migration to the forest frontiers even originated in the creation of labour reserves during the colonial period where labour was needed in the forest zones and some northerners migrated to the cocoa regions to gain wages to pay their taxes. As a result, some people came as laborers, acquired land and finally settled and others came there for a short period. Currently, the migration to Aowin and Suaman Districts has been a continuous pattern among some Northern ethnic groups because of their interest in agriculture activities. It was found that Dagaabas and Gurmas were found in almost all the villages working in either on their own farms or being a caretaker of rich peoples' cocoa farms.

7.2 The general movement pattern of migrants to the high forest zones

It has been documented that in the pre-colonial period, movements of the population were unavoidable because they were associated with war, slave trade, search for fertile land and colonization of new areas by various ethnic groups in Ghana (Adepoju, 1981; Hill, 1970; Tsegai, 2005). However, the migration during the colonial period was more force than voluntary. There are reports on farmers from the Eastern region of Ghana that migrated in search for fertile land for cocoa cultivation (Amanor, 2007). Migration has played a fundamental role in the development of cocoa sector in Ghana. The cocoa production

expanded and covered throughout the southern part, later shifted towards the westwards throughout the colonial period. Specifically it extended from the Eastern region to Ashanti, Brong Ahafo and eventually Western region following the forest belt (Amanor, 2007). The shifting of the cocoa cultivation in the high forest zones revealed the intention of migrant farmers that reinvested their profits by expanding cocoa production through the purchase of new lands in the high forest zones. The early famers were the Akwapims but the shifting nature led to the adoption of cocoa farming by various ethnic groups in Ghana. It was observed that in the late colonial period the Akwapims were no longer the dominant migrant farmers in the cocoa producing areas but rather Ashanti ethnic group.

The migrants were socially differentiated throughout the colonial period and it has been discovered that the wealthy cocoa farmers from the Ashanti region migrated to Western region and Brong Ahafo region since 1940s. The groups of wealthy migrants had established some rights to land. However, there were different groups that migrated for labour. These were annual migrants from the Northern Ghana and neighboring countries such as Burkina Faso, Niger, Nigeria and Mali (Nabila, 1974). In the beginning of 20th century the migration pattern changed and the cocoa sector depended on internal migrants from the northern Ghana. In 1954, the cocoa producing areas recorded about 200,000 seasonal laborers (Anaifi *et al.*, 2003). In 1960 the substantial number of people that moved to Ghana from the neighboring countries stood up about 8.3% of the total population.

The main reason was the search for job opportunities such cocoa production, mining and others. The pattern continued until 1969 when the government of Ghana ordered all aliens without valid residence permit to leave the country. As a result, most African from neighboring countries left Ghana and the proportion of the aliens dropped. However those that remained acquired property including land. The migration had categorization with interest (Anaifi *et al.*, 2003). These were migrant farmers, migrant labors and land as a commodity, which could be transacted through sale, leasing and share cropping in the villages and became the dominance social relation of production. In addition, there is evidence of forced labor during the early colonial period due to the introduction of colonial rule and the movement was also linked to economic strategies. The aim of the colonial masters was to increase economic activities and that attributed to the need to force people to move from certain locations to the natural resource endowed areas.

In the beginning of 20th century to present there has been steady movement of people from the Northern sector to the Southern sector mainly for economic and social reasons. The cocoa industry which has played an important role in Ghana' economy has attracted successive and

relatively short distance migration of commercial cocoa farmers both from the south and north. These cocoa farmers use seasonal migrant laborers for difficult and menial tasks (Nabila, 1974; Anarfi *et al.*, 2003). The cocoa producing areas received the majority of migrant laborers in the early 1950s, especially in the Eastern region but started declining because of the shift of cocoa production to other regions such as Ashanti and Western regions where the cocoa production continue to receive high share of inter-regional migrants.

7.2.1 Features of the migration in Ghana

The migration in Ghana is not the homogenous type. It is dynamic and complex but the general features are still unfolding. The migration is somewhat rural-rural, urban-rural and rural-urban. However, the rural-rural and the urban-rural movements have significant implication to agriculture development in the cocoa producing and forest frontiers. The rural-rural is cyclical and temporal because it is designed to meet different peak season of labor demand in the cocoa areas. The movements are well established in a North to South direction or the Savanna to the high forest zone (Nabila, 1974). In the cocoa producing areas, another rural-rural migration is associated with the export cash crops which people from villages of Ashanti and Eastern regions moved to Western and Brong Ahafo regions to set up cocoa farms.

Moreover, temporal or seasonal migration in Ghana typically involves short term movement of laborers from the North to the South to take up temporal employment as care takers on cocoa plantations. The forest zones have different season from the locations of the migrants (Nabila, 1974; Tsegai, 2005). As a result, the people that are involved in this type of movement are agriculture laborers who come from the Northern part of the country to the forest, cocoa and food crop growing areas to work for wage during the early season and return to their homes during the wet season. This enable migrant remit families back home and purchase agriculture input for faming. Some migrants even work harder to enable them acquire land through lease in the cocoa producing areas (Nabila, 1974; Tsegai, 2005). However, there has been a changing pattern these days because increasing number of migrants are staying longer than their predecessors, which means that some are becoming permanent migrants. The migrants that stay longer finally become commercial cocoa farmers and others engage in various contractual agreements for many years in the cocoa industry.

7.2.2 Reasons for current internal migration to the high forest zones

There are number of reasons for the internal movement of labor in Ghana. These reasons include high population growth rate which has increased the domestic supply of the labor especially in the northern part of Ghana. For instance, in the Upper East region high population growth rate has put pressure on available cultivation land and that encourage migration. The social conditions available in a particular town or village that act as a push factor while economic opportunities act as a pull factor attracting the migrants. According to Nabila (1985), internal migration is influenced by three factors: the differential vegetation zones of the savanna and the forest zone with its fertile land for the cash crops production, the mineral deposits (diamond, gold, manganese and bauxite,) and the European colonization, which brought the establishment of concentrated forests in the southern sector.

However, Tsegai, 2005, also stressed that community pressure and need act as push factors or influence migrants out from the rural areas. These include seasonality of agriculture, population pressure leading to less land per farmer, land ownership problems, inadequate agriculture resources (credit to small landholders), lack of social amenities, increased in deprivation and entitlement in the rural areas. However, among other factors, land tenure system force the rural population to migrate (Tsegai, 2005; Anarfi *et al.*, 2003). Since land tenure differ from place to place, it is common for rural population to move to another rural community that they can get easy access to land.

This accounts for the movement of people from the rural areas in the Northern to the Southern villages and forest zones. Besides that, the internal migration is influenced by the differences in the level of poverty between the North and South as well as the capacity to respond to new economic opportunities. In line with that the people from the Northern sector and Volta region are referred to the least developed regions and have become the sources of migrants to the cocoa producing areas. In relation to the returning of migrants Nabila (1974), stressed that the possible factors that influence people include kinship, lineage ties in the rural areas and need to work back home in order to support parents and external relatives but these days most male migrants move with their families to the cocoa growing areas and may not return.

7.3 Migrant farmers and institutions of land

In addition, customary rules governing forest tenure give fewer rights to migrants and tenant farmers. The traditional local law which has been recognized by the state and integrated as a common law administered by the state courts affect migrants in Ghana. Besides that, institutions such as Native Courts, Native Authorities and national level political institutions created powerful elites with hierarchy which extended to the local communities. As a result,

the local communities have a strong capacity to protect customary land holding through the institution of chieftaincy (Crook, 2004; Crook *et al.*, 2007; Crook, 1986; Allott, 1957). Moreover, it is important to note that, during the colonial period the British introduced policies of Indirect Rule and policies for regulation of land exploitation, which also led to the incorporation of local or customary law into a unified common law system through the institution of native courts. As a result, since 1986 the legal reforms in Ghana have incorporated all forms of land tenure including customary forms into a single statutory and common laws which are applied to both title registration and centralized regulation by a national Lands Commission. These systems make it difficult for migrant farmers to own and control stool land in the high forest zone.

Moreover, the law on land rights in the local communities is not necessarily implemented by the courts because it is made and reasserted through a multiplicity of everyday practices, institutions and actions (Crook *et al.*, 2007; Juul and Lund, 2002). The nature of the system is complex because there are various informal or non-state legal systems which include religions, tribal and traditional jurisdictions which are popularly known as the customary and religions legal systems. These systems can take many forms and shapes depending upon the tradition, locality and the prevailing socio-political conditions (Jacques, 2009). The legal systems have been historically utilized in various areas for fighting against crime, setting prices for goods and services in the market places, punish offenders or punish people for unacceptable behavior in the societies as well as distribute resources in the societies.

In line with that, in the focus group discussions migrant farmers said they were being restricted to access land and trees in the forests. The use of forest land needs permission from the traditional authorities and Forest Service Division. Sometimes permission granted by the traditional authorities to use forest land for cocoa production seems to be effective because there are various extensions of farms into forests and the forest staffs are not capable of controlling the encroachment. In the villages, some early and permanent migrants confirmed they owned small parcels of agriculture land that show low productivity of cocoa but they depend on intercropping of crops such as cassava, plantain and maize. In early days of their arrival, a migrant farmer could access land by establishing family ties and portray that he belongs to the same clan as the land owners of the villages. The migrant farmers selected villages after they made careful preliminary enquiries in order to settle in villages that they could easily acquire land.

They further stressed that on arrival, they first introduced themselves to the clan heads and assume members of the clan to enable them access land. The migrant farmers are accepted into the clan upon various assessments and finally they were introduced to the village chiefs by the clan head. In the villages, tradition demands that a migrant farmer offers a bottle of schnapps to the village chiefs and then be accorded full membership in the clan even though a migrant may belong to different ethnic group in Ghana. In the focus group discussions the permanent migrants confirmed that they paid nothing to acquire their land but only paying the civic responsibility as clan members. However, they are likely to benefit from the land if there is compensation or payment for environmental services as part of REDD activities but the temporal migrants that came and acquire land in different ways may not benefit from the land because of their terms of agreements.

These days land is not acquired in the same process as establishing clan membership. Land can be accessed through outright purchase but some sub-chiefs in the villages refuse to acknowledge the transaction as purchase because the land is for specific social groups such as families, clans and community members. It was revealed in the focus group discussions that the process is simple because a migrant farmer may request land from the chiefs or clan heads for farming and when the request is granted, the demarcation follows based on which money is paid to the clan head or the sub-chief that serves as the care taker of the land. The migrant farmer owns and controls the land which is not recognized by the entire clan members. This arrangement occurs in agriculture and even forest land that is not properly protected by Forest Service Division in the districts. In this type of arrangement, if the migrant farmer marries a woman from the clan and dies the wife may inherit but have user rights otherwise the land goes back to the clan because land is for clans or families and cannot be sold. The land is for the people of today and for future.

7.3.1 The relationship between indigenous society and migrant communities

The indigenous society acquires land through inheritance and migrants have to negotiate for rights to land because they have no customary rights to land. Considering the migrant position and land as a commodity, they can transact land through sale, lease and sharecropping. The migrants perceive outright purchase of land as ownership but the indigenous communities in the Akan dominated cocoa producing areas make a conceptual separation between land and what is grown on the land. The land belongs to the stool and land families (Mitchell, 2012; Amanor, 2010). Thus the indigenous people consider cash payment by migrant farmers for acquiring land as a symbolic payment to use the land.

This complex and contested land tenure in the cocoa farming communities usually generate conflicts over land (Knudsen and Fold, 2011; Mitchell, 2012). The conflict often affects the availability of both land and labor. A prolonged situation heightens tensions and brings about social conflict between society and migrants, community members and chiefs, elders and family members. However, it is difficult to describe peace in the cocoa producing regions but a closer examining micro-level dynamics reveals deepening cleavages between indigenous people and migrant farmers.

It has been observed that scarcity of land is a challenging issue and more closely related to indigenous society and migrant farmers. It is sometimes difficult to acquire land by poor migrant farmers as land is either expensive to purchase or there is none to cultivate. However, some migrants acquire land through various means, which usually leads to misunderstanding but the most recognized access to land migrants is entering into sharecropping agreement with land owners (Mitchell, 2012). However, shortage of land does not appear to generate increased violent conflicts over the land as it sometimes happens in other parts in Ghana.

In the study area, it was revealed by key informants that there are some communities, which people usually involved in land disputes with migrants but the cases are often solved peacefully by traditional leaders in the villages. It was also confirmed that misunderstanding sometimes occurs concerning boundaries of parcels of land given to migrants but that is always settled by clan heads. In all the villages, there were different types of migrants both temporal and permanent. The temporal migrants include the petty traders and those who come during cocoa harvesting period. In Asantekrom and Sewum, some permanent migrants said they have been integrated into the society to the extent that the land they have acquired is regarded as inherited land because of their long time settlement in the communities. However, the people that came after them have different tenure arrangements for land acquisition.

7.3.2 Potential issues that could be associated with REDD program

In the men focus groups, the migrant farmers were much interested in REDD activities but expressed the feeling that REDD activities could pose a threat to their livelihood. On arrival, the migrant farmers depend on forests for food and income until they get settled and established good relations before they could have access to land. The protection of forests for compensation will mean that only land owners will benefit from REDD activities. A migrant farmer in New Yakasi said, *“I don’t belong to stool and I have no allodial title to the agriculture and forest land. I don’t think I can benefit from REDD in this village. The government may only instruct the land owners to give us something small”* (8th June, 2014). There is evidence that both stool members and migrants extend farms into forests which the

forestry staffs are not able to control effectively, but the introduction of REDD will mean strict monitoring and control. The forest policy allows the extraction of some resources for domestic use but migrants sometimes take commercial quantities.

In addition, REDD activities may involve wide range of stakeholders with their roles, responsibility and power relations, which migrant famers may form part but much will depend on government. The migrants include chain-saw operators, famers, those that produce charcoal and harvest firewood for domestic use and for sale. There was another foreseen issue and this relates to migrant farmers land ownership. The land that are owned by migrants either through purchase or long term leased is not recognized by stool member as ownership of land because the land is for the stool members and cannot be sold to private entity. According to some key informants, this situation may generate conflict if they have no document to cover those pieces when it comes to payment for environmental services as part of REDD activities.

7.3.3 The solving of issues associated with migrants land rights

In the focus group discussion, the migrants confirmed that land title and registration are important for them to enjoy full rights to land in the villages. The land that is purchased by migrant should be given exclusive rights. However, this is not common because land belongs to family and a purchased land is only accompanied with user rights. The migrants emphasized that land tenure can be seen as risk and needs reforms for clarification to minimize the risk of eviction of forest dependent migrants and tenant farmers. Currently the tenure is ambiguous and migrant farmers are always confused when the overlapping legal systems are operating in related to the land. The youth in the communities are blaming the some traditional authorities for secretly selling land to migrants. However, the migrants are also finding ways to register the land through the formal system.

In some communities, the migrants are vulnerable to the indigenous society because they usually attempt to re-appropriate the land in the villages and it is an issue that may easily lead to conflict in the forest zones if there is cash payment for the land. The migrants stressed that the traditional authority should be transparent to disclose the purchase of land to the entire stool members, which can grant the migrant farmers bundle of rights to enjoy from the land.

It was pointed out by Boon and Duke (2012), in the Western region and in late 1980s individual land ownership was much higher than other cocoa producing areas. This implies that chiefs sold the land to migrant farmers, which is not easy to re-appropriate the land that had previously sold outright to migrant population. Any attempt to take the land implies the chiefs defrauded them and migrants would need the money or be compensated for the land.

This issue needs proper handling to avoid potential conflict between indigenous society and migrant communities. In relation to REDD benefit, focus group discussions revealed that, the migrant farmers that owned land wanted cash benefit whereas the migrant that engaged in contractual agreement such as share cropping and lease wanted non-monetary benefit such as infrastructure development in the villages. It was emphasized that the government and the traditional authorities should establish institutional framework to govern the equitable distribution of REDD benefit in such a way that migrant farmers will form part of the beneficiaries.

7.3.4 Summary

Migration to the high forest zones has played a fundamental role in the development of cocoa sector in Ghana. It has revealed the intention of migrant farmers that reinvested their profits by expanding cocoa production through the purchase of new lands in the high forest zones. However, customary rules governing forest tenure give fewer rights to immigrants and tenant farmers. In the villages migrant farmers were restricted to access land and trees in the forests. The use of forest land needs permission from the traditional authorities and Forest Service Division. Sometimes permission granted by the traditional authorities to use forest land for cocoa production seems to be effective because there are various extensions of farms into forests and the forest staffs are not able to control.

8. CONCLUSION AND REMENDATION

8.1 Conclusion

The significance of land to human survival and development has been acknowledged since time immemorial but there was not much pressure. Land continues to be adding value due to population growth, resource extraction and agriculture activities, which cause shrinking of crop land and trigger deforestation. Land is regarded as wealth creating and livelihood sustaining asset to gender and migrant farmers in the high forest zones in Ghana. However, the land tenure regime in Ghana is legally pluralistic and complex. Traditional authorities owned about 80% land and land designated as forest reserves, minerals resources and timber on agriculture land except plantations are held, controlled and managed by the state in trust for the stool land owners. However, women and migrant farmers have limited access to and control of land because of customary law. Besides that, they have limited access to forest resources because of state and customary laws and these do not create opportunity for sustainable livelihoods for the women and migrant farmers in the villages.

The activities of REDD is to have the capacity to reduce poverty and secure more sustainable development locally but the needs of women and migrant farmers must be addressed. The legal pluralism and nature of the land tenure may direct REDD benefit to land owners leaving women and migrant farmers that depend on forests and agriculture land for their livelihoods. The study will illustrate fair distribution of REDD benefit and unfold the implication of REDD in the communities. It will be a guide to develop better benefit sharing mechanism that will include women and migrant farmers.

The study will guide policy makers to address issue related to land, gender and migrants in the local communities. In addition, it will add literature on gender and land rights. As a result, the objective of the study is to document the ownership, use of agriculture land and access to forest resources in relation to women, migrants and their implications to REDD in the Western region of Ghana. To achieve this objective the following questions were answered: What are the existing property rights institutions in the communities? How are the property rights structure and access to resources in relation to gender and migrants? What are the local tenure arrangement for women and institutions of land and forest resources? How benefit from land can be distributed to women and migrants?

The study employed both employed quantitative and qualitative approaches. The quantitative data was collected through a household survey with 200 household heads in six villages (Asantekrom, New Yakasi, Sewum, Boinsu, Jensue and Adonikrom) in the year 2012, but

qualitative information was obtained from recent study, which involved focus group discussions in the six villages and key informant interviews to obtain in-depth information. There were observation sessions and secondary data was also gathered, which included policy documents, books, articles, research related to land and forests. In addition, information was taken from reports on Ghana REDD activities.

There are theoretical and conceptual frameworks that formed the bases of the study. These include the new experiments and prospects of enhancing women access to land, which explains various sources of land to women. There is the concept of legal pluralism in relation to land and its effect on women and migrant farmers. In addition, the study presented conceptual framework that centers on four variables: actors, benefits, property rights and outcomes and also adopted typology of property rights that distinguishes use rights, control rights and authoritative rights.

In relation to the existing property rights institutions in the communities, the land is owned by communities, clans and families and chiefs sever as custodians. The traditional authorities have control over the land. They have ownership and user rights to land. Land designated as forests are found on stool land and the Forestry Commission is responsible for the regulation, conservation and management of forest resources and coordinating of various policies related to the resources. The Forest Service Division is responsible for these functions at the district level and cooperates with forest committees at the villages to manage the forests. The forest Service Division has the power to exclude people from using other forest resources but weak to control access to land because there are various encroachments of the forests in the villages for agriculture activities.

The statutory law grants women land right just as men. For instance, patches of degraded forests were given to both women and men by the government in the taungya system to cultivate and plant trees in New Yakasi and Adonikrom where men and women have the same access rights. However, the customary law assigns greater control of land to men and the institutions prescribes how land is passed to a family member and usually men inherit land because women are excluded in both the patrilineal and matrilineal practices of inheritance in the communities, which is contradictory to the legal framework of the state.

The people in the villages have the belief that land is for the dead, the living, and those not yet born. Outright purchase of land by private entity is not recognized by some stool members of the communities. The people practice matrilineal system of inheritance but women have limited access to land because land is usually passed to males of the stool members and women only have user rights.

The land is also accessed through chiefs and clan heads by migrant farmers with different contractual agreements, which some are not clearly defined. For instance, land is for the stool members and should not be sold to a private entity or individuals but some migrant farmers confirmed purchase of land, which may not be recognized by the entire stool members in the communities. Forests are owned by the state. The central government controls and regulates the forests that have been established on the stool land including timber trees on agriculture land. The forestry commission has the legal authority to regulate and control the forest resources and Forest Service Division monitors and supervises the activities of stakeholders at the district level.

The property rights structure and access to resources follow a hierarchical leadership structure which starts from the lowest, clan head (*abusuapanyin*) followed by village chief (*Odikro*). The next is district chief (*Omanhene*) and the apex is the King (*Asantehene*). These traditional authorities are responsible for maintaining laws. All the chiefs owe allegiance to the King. This implies that issues beyond the chiefs are directed to the king for final judgment. The chiefs form property rights and enforce them in their territories because they have the power to exclude others from using resource from the stool land. They also help in shaping the allocation of resources within families. Land is accessed through these leaders by both migrant and women in the communities. In the villages, the chiefs and clan heads are the first contact persons to acquire land by migrants. The women also contact them for contractual agreement and to claim their user rights because they have no control and ownership rights.

In relation to local tenure arrangement and institutions, the customary law allows a family member of a particular stool to use the land or build on it as personal use and a family member can also allocate their family land to non-member for subsistence farming after consulting the entire family that owned the land. In the villages it was found that the women acquire land through lineages, inheritance, and contractual agreements such as share cropping (*abunu and abusa*). It has been established by customary law that all subjects of the stool and lineage members regardless of sex have rights of access to land held by the stool or clan head

that serves as custodian of the land. However, ownership and control go to males in the communities. In the study 80% of the women confirmed it was difficult for them to inherit land. The women access to forest resources is also limited because collecting forest products in commercial quantities needs permission from the FSD in the districts because forests are owned and protected by the state. However, they are engaged in harvesting firewood, charcoal production and collection of food and medicinal plants.

The migrant farmers are involved in various contractual agreements with stool land owners. These include lease of land and share cropping agreement (*abunu and abusa*). However, some early migrant farmers confirmed purchase of land but land transaction of the nature has no documentation and has not been recognized by the entire stool members. These make it difficult for migrants and women to own and control some resources. It also poses challenges to improve the livelihoods of the people in the rural areas because access of poor people to any of the categories of livelihood assets tends to be limited in many ways.

There are various ways of benefit sharing from land and forests in the communities. It was found that there were four recognized benefit sharing arrangement in the forest sector. These forms of benefit sharing transform the lives of the local people to some extent. They include the constitutional timber revenue benefit sharing, the modified taungya system (degraded forest tree planting) benefit sharing, commercial plantation benefit sharing arrangement and Community Resource Management (CREMA) benefit.

These categories have various stakeholders, which the benefits are shared in percentages among them. For instance, the timber revenue benefit sharing Forest Commission takes 50% of the share because of management responsibility and ownership of trees. The district assembly has 25% for community development. The Office of the Administration of Stool Lands (OASL) takes 5% for administrative expenses. The stool takes 11% for maintenance of the stool to keep its status and the traditional authority takes 9% for being the owners of the forest land but not clearly stated in the constitution of Ghana. However, in all the benefit sharing categories women and migrant farmers have no direct benefit because of land ownership, property rights and management responsibilities of forest and land.

There was no clear formula of how benefit from land could be distributed to women and migrant farmers because of traditional law. In addition, there are various types of migrant farmers in the communities who do not belong to the stool and are engaged in different traditional land tenure arrangements which usually grant them use rights. In addition, the permanent migrant farmers owned land but have no document to cover the land.

However, it was discussed in the women focus groups that the current land tenure and distribution of benefits may not change the lives of women and migrant farmers. The REDD activities that include increase employment opportunities, alternative sources of livelihoods and better social services will have positive impact or will improve the livelihood outcomes of the women. In the survey, better social services had 72.7% male against 68.8% female respondents that agreed.

However, increased employment opportunities had the highest response of 79.9% men and 71.1% female. The reason for the highest response was the fact that most people were not in a regular paid work and have the feeling that option may offer regular income to both men and women. The people also agreed to alternative sources of livelihood 60.1% male and 60% female. However, in the focus group discussion, the migrant farmers were positive to the provision of social services in the communities and alternative sources livelihoods but the early migrant farmers that acquire land through purchase that was not recognized by the entire clan members wanted REDD compensation in the form of cash payment because they thoughts they have full ownership of the land and can benefit from REDD activities directly.

However, REDD incentives are likely to go to men because women do not own and control land and these may generate conflict.

The emphasized that they would prefer land issues to be addressed through the law court where there will be judicial examination of the issues. It is a proper place where proceedings are very formal and governed by rules but absent in the traditional rulings. In addition, they will rely on (CHRAJ), which addresses violations of fundamental human rights and freedoms guaranteed by the 1992 Constitution and Acts of Parliament to claim their rights to land. In addition, the migrant farmers said they will need third person intervention (state) to deal with land issues in the villages despite acquiring land from the tradition land authorities.

8.2 Recommendation

In relation to institutions, the traditional ownership of land and inheritance, the government of Ghana should completely formalize customary law in such a way that it will grant women ownership and control rights to land in the villages. It has been noted that in Tanzania, the government introduced the land Act of 1999, which, granted customary rights of occupancy to families and at the same time protected the rights of every woman to acquire, hold, deal with land (FOA, 2010). In addition, the government should enforce the international human rights instruments, especially (CEDAW) which will give women equal rights to land. These may enable women to enjoy bundle of rights to land and benefit from REDD activities in the villages. There is clear indication that REDD benefit sharing that will not include women will lead to future conflicts and women are likely to claim their rights based on the principle of Universal Declaration of Human Rights.

The government of Ghana should take complete ownership responsibility of land which may encourage or strengthen land titling and registration to enable migrant farmers enjoy bundle of rights. This may give migrant farmers the opportunity to benefit from REDD activities in the high forest zones because the land belongs to stool members and migrant farmers do not have ownership rights. In addition, the government control of land may ensure transparency accountability and reduce activities that trigger deforestation in the communities. This idea is applied in some African countries. As explained in (FAO, 2010), in Mozambique, the state owns all the land and grants user rights to communities that occupy the land according to customary land tenure. The state allows them to follow their own customary rules and the governance structures within their territories. The people adopt them as needed as long as they do not contravene the principles of the constitution.

In relation to benefit sharing, there is the need for women empowerment. This will enable women to claim their rights through the law court. There is also the need to include women voices, knowledge and interest in land related programs such as REDD activities. These will support financial architecture to realize result based finance and incentives and reduce risk related to allocation. Specifically, it may ensure efficiency, effectiveness and equity as the principles of REDD program. The migration to the high forest zone will not end and migrants depend heavily on forests and agriculture land for their livelihoods. There is no doubt that their activities cause deforestation in the high forest zones. As a result, there is the need to include them in consultation, decision-making and REDD benefit sharing to reduce their

activities in the forests. The protection of forests or to reduce land use change and enhance carbon stock may not be effective without considering the needs of the migrant farmers in the communities.

8.2.1 Future research

The study concerning the migrant farmers land rights and ownership were obtained through qualitative approaches, which cannot be generalized. Future research on REDD activities could be conducted through quantitative approach to get a meaningful generalization of the information. Besides that, the migrant farmers mixed with the indigenes in the focus group discussions did not give free flow of some issues related to land. There is the need to separate migrant farmers from the indigenous people to give them confidence to express their feelings on issues related to land. It will also minimize influences from their colleagues in responding to some questions.

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APPENDIX

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Appendix (I) Qualitative interview guide for local resource person(s)

The purpose of this questions is provide in-depth information on areas such as institutions, land rights nature and gender, how the people evaluate local governance and power structures, local informal and formal tenure, rights and access to forest resources by gender and migrants. In addition, to obtain information on how benefits from forests and agriculture land could be distributed in the communities to women and migrant farmers.

Objective 1: To document the institutions and land rights that prevails in relation to women and migrants.

- 1) How is the land ownership in the community?
- 2) What are the institutional structures in the village in relation to land ownership?
- 3) How do men own and use land in the community?
- 4) How do women own and use land community?
- 5) What kind of rights do women have on land, trees and crops in the community?
- 6) How can migrants have access to land and what are their rights to land?
- 7) What are the power structure and its impacts on land distribution?
- 8) What are the arrangements that social groups such migrants and women engage in the allocation of land in the community?
- 9) What tenure arrangements are there for local men and women including migrants?
- 10) What is the power structure of land ownership and its effect on livelihoods?
- 11) What are the consequences of the migrants that not able to access stool land?
- 12) How do conservations of forest affect your access to resources?
- 14) How does multiple land and forests ownership affect women and migrant?
- 15) In what situation do women and migrant are involved in land dispute?
- 16) How are conflicts related to land are solved?

Objective 2: To understand gender nature of land rights and access to forest resources

- 1) How do men and women access forest resource in the community?
- 2) How do women access agriculture land in the communities?
- 3) How are restrictions to use land and forest resource affect gender and migrants?
- 4) How can women use forest land for agriculture purposes?
- 5) How do the multiple legal systems affect your access to land and forest?

- 6) What problems do you think it will be associated with women and migrants access to land?
- 7) How is your satisfaction to the rules that govern land and the resources?
- 8) What are the conditions of access to resources that favor both men and women?
- 9) If some people have limited access to resources what are their coping strategies?
- 10) Are there people in the village who are particularly disadvantaged or favored by the way forest land and resources are distributed and controlled?
- 11) How are access and use of resources monitoring affect women?
- 12) How are the rules concerning access and use of resources being enforced?
- 13) How do you feel about the protection forest and the resources including land that could be used for agriculture purposes?
- 14) What are your reasons if you feel against the protection of the forest in the communities?

Objective 3: To understand how benefits from land and forest resources could be shared between men and women including migrant

- 1) How the benefit from land could be share between men and women?
- 2) How do migrant farmer benefit from the land?
- 3) How can migrants benefit from land in the communities?
- 3) What is the current allocation of benefit to land between men and women?
- 4) How would benefit from REDD could be distributed between men and women?
- 5) How do women benefit from forest resources as men?
- 6) How can women sell or lease land in the community?
- 7) Please explain how women can own land and benefit from the land in the community?
- 8) How long can women control land as property and how can the ownership be transferable?
- 10) What benefit do women get when they transfer land to migrants or anther user?
- 11) How your rights to land could be transferred to another user or migrant?
- 12) How do you think benefit from forest land and other forest resources could be distributed in the community?
- 13) How are women and migrants form part of decision making in relation to land?

Objective 4: To identify the rules that governs forest land and the resources?

What forest resources are very important to gender?

- 1) How is the ownership of forest and the resources?
- 2) What are the rule to access and use of forest resources?
- 3) How are people restricted to use and sell forest resources and land in the community?
- 4) How do people contribute to the rules and management of the resources?
- 5) How is your satisfaction to the rules that govern land and the forest resources?

- 6) How do access and use of forest resources monitored?
- 7) How are the rules concerning access and use of resources being enforced?
- 8) How do the villagers view the enforcement and sanctioning of the rules?
- 9) What are the rules of access and use of forest resources to women and migrants?
- 10) What are the locally conservation measures of the forests in the communities?
- 11) Have these conservation measures affect the way people use forests resources?
- 12) What user rights do you women and migrants have over land and forest resources?

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Appendix (II) Qualitative interview guide for focus group

The purpose of this component is to provide general insight into institutions, land rights nature and gender, how people evaluate local governance and power structures, local informal and formal tenure rights and access to forest resources by gender and migrants. In addition, further probing will be done to understand how benefits from forest land could be distributed among males and females including migrants in the communities. The information could be obtained by discussing the following questions under each objective.

Objective 1: To document the institutions and land rights that prevails in relation to gender

- 1) How is the land ownership in the community?
- 2) How do men own and use land in the community?
- 3) How do women own and use land community?
- 4) How do migrants own and use land?
- 5) What kind of rights do women have on land, trees and crops in the community?
- 6) What are the power structure and its impacts to the village land distribution?
- 7) What are the arrangements that social groups such migrants and women engage in the allocation of land in the community?
- 8) What tenure arrangements are there for men, women and migrants?
- 9) What is the power structure of land ownership and its effect on livelihoods?
- 10) What are the consequences for women and migrants lack of access to land and forest resources?
- 11) How do the multiple legal systems of control of land and forests affect your access rights?

Objective 2: To understand gender nature of land rights and access to forest resources

- 1) How do men and women access agriculture land and forest resources in the community?
- 2) How are restrictions to use land and forest resources that affect women and migrants?
- 3) How is your satisfaction to the rules that govern land and the resources?
- 4) What are the conditions of access to resources that favor both men and women?
- 5) How do people excluded from the use of land and forest resources?
- 6) Are there people in the village who are particularly disadvantaged or favored by the way forest land and resources are distributed?
- 7) How are access and use of resources monitoring affect women?

- 8) How are the rules concerning access and use of resources being enforced?
- 9) Please identify and describe the sanctions associated with breaking the rules of access and use of forest land?
- 10) How do you feel about the protection forest and the resources including land that could be used for agriculture purposes?
- 11) What are your reasons if you feel against the protection of the forest in the communities?
- 12) If you are supportive for the protection of forests and their resources, what could be your reasons?

Objective 3: To understand how benefits from land and forest resources could be shared between men and women including migrant

- 1) How the benefit from land could be share between men and women?
- 2) How can migrants benefit from land in the communities?
- 3) What is the current allocation of benefit to land between men and women?
- 4) How would benefit from REDD could be distributed between men and women?
- 5) How can women benefit from forest resources as men?
- 6) How do women benefit from forest resources?
- 7) How can women sell or lease land in the community?
- 8) Please explain how women can own land and benefit from the land in the community?
- 9) How long can women control land as property and how can the ownership be transferable?
- 10) What benefit do women get when they transfer land to migrants or another user?
- 11) What are your rights to transfer land to another user or migrant?
- 12) What are the best ways benefits from forest land and other forest resources could be distributed in the community?
- 13) How conflicts related to land could be solved by women and migrants in the community?

Objective 4: To identify the rules that governs forest land and the resources?

- 1) How is the ownership of forest and the resources?
- 2) What are the rule to access and use of forest resources?
- 3) How are you restricted for the use and sale of forest land in the community?
- 4) How do you contribute to the rules and management of the resources?
- 5) How is your satisfaction to the rules that govern land and the forest resources?
- 6) How are access and use of forest resources monitored?
- 7) How are the rules concerning access and use of resources being enforced?
- 8) How do the villagers view the enforcement and sanctioning of the rules?
- 9) How is this forest managed, and what are the main activities of the management?

- 10) Are there any norms concerning what is considered proper forest use and land use in relation to women and migrants?
- 11) What are the rules to access and use of forest resources to migrants?
- 12) What are the locally conservation measures of the forests in the communities?
- 13) Have these conservation measures affected the way you use forests resources?
- 14) What user rights do you have over all resources in the forests?
- 15) What are the consequences of women and migrant farmers being excluded from the use land and forests resources?
- 16) What type of REDD compensation will be appropriate to satisfy both women and migrant farmers in the community?
- 17) Which group of people can best handle REDD activities in the communities?
- 18) How can conflict related to REDD can be solved?
- 19) Which ways do you think the multiple legal system may exclude some people from benefiting from REDD?
- 20) How do women claim their rights of benefits in relation to land and forest resources?



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