

3. The Lands Commission should not only aid in sharing the revenue of lands transacted, it should also investigate the processes leading to land transactions to be sure that all interested parties, including women and other social groups are consulted prior to the disposal of the land
4. The Lands Commission should be given additional responsibility to open an Alternative Dispute Resolution (ADR) unit to investigate claims of men's signatures on women's lands.
5. Decentralize the Legal Aid offices to make access easy for social groups that have less resources to go to courts or are too intimidated to seek justice in the traditional courts.
6. The Lands Bill should make provisions for lands allocated to women as wives to be named and documented.
7. Provisions must state clearly what cultural practices are deemed discriminatory
8. The provision for reserve area is uncertain as the provision makes it optional by using 'may' to describe the provision. 'Shall' should be used to replace 'may' to make the provision compelling.
9. Women must be educated on the provisions on conveyancing and transfer of land. Due to power relations and lower level of education amongst women, men could take advantage of some provisions such as those stating that transactions are complete when both spouse consent or that the words used in conveyance are deemed final.

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About NETRIGHT

The Network for Women's Rights in Ghana (NETRIGHT) is a network of civil society organisations (CSOs) and individuals who have a clear interest in working together to bring a gender perspective to national processes as well as policy content and implementation. NETRIGHT draws attention to violations of women's rights and campaigns for changes to achieve women's equality. The network also creates space for debate and clearer articulation of different positions within the women's movement in Ghana. NETRIGHT focuses on three (3) core areas, namely- economic justice, movement building and natural resources. To ensure inclusiveness, NETRIGHT provides a national advocacy platform for CSOs around national and international processes and educates the public about gender equality and women's rights issues. A cardinal principle of NETRIGHT is to avoid duplication or competition with its members but rather support their interventions.

Disclaimer

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POLICY BRIEF

NETWORK FOR WOMEN'S RIGHTS IN GHANA

A Comparative Analysis of the Gender and Agriculture Development Strategy II (GADS II) and the Land Bill



OVERVIEW

The agriculture and land sectors in Ghana have witnessed a significant amount of vigour in recent years. Since the mid-1990s, policies, laws and programmes have emerged to organise, regulate and govern the sectors with the aim of achieving economic development and promoting social cohesion. The GADSII and the Land Bill are a few of these new dynamisms that have become synonymous with agriculture development and responses to gender equality/equity and poverty reduction. The GADS II which was launched in 2016 and the Lands Bill which is yet to be laid in parliament have been crafted with objectives that seek not only to promote economic development but also with recognition that gaps exist between women and men in access to productive resources such as land, inputs, information and extension

services amongst others. The study seeks to present a comparative review of the two documents to analyse and identify the synergies between them. The approaches used in the review were mainly gender auditing and policy analysis which are effective tools for interrogating provisions in policy documents and their implication for the intended beneficiaries. In this case, the focus is on women and their position in the agriculture sector and their relationship to land resources retrospectively and prospectively. Recommendations are made for the consideration of policy makers to improve on the two documents which are critical for women participation and investment in Ghana's agriculture.

INTRODUCTION

Agriculture remains the backbone of the economy of Ghana even though its contribution to GDP has been declining in the past decade generally. Nonetheless, the sector is still very important for the country for many reasons. This includes the fact that it accounts for a substantial proportion of the workforce in the country especially in the rural areas where the livelihoods of women and men depend on its sustainability. According to the Ghana Living Standards Survey Round 6, 51.5% of households in Ghana own or operate a farm. This figure is even higher in rural areas where 82.5% of households engage in agriculture production. In urban areas, the contribution of the sector to the food needs of the country cannot be overemphasized. Although agriculture production is the major economic activity in the country, it continues to be riddled with inequalities amongst men and women.

In recent times, increasing attention has been drawn in both academic and policy circles to the gender dynamics at play in the agriculture sector and how these could be addressed to improve agriculture production. The discourses that emerged from some of these documents emphasized the gulf of differences that exist between men and women in the sector. These gender differences include the imbalances in access to productive resources such as land, information, inputs and extension services amongst others. It is in this light that the GADSII and the Land Bill with the objectives to address various aspects of agriculture production and its related issues have become important documents for gender scrutiny to ensure that women and men who are differently positioned in the agriculture sector are properly considered in these documents. These two documents are to be read together with the FASDEP II and its implementation plan METASIP II which are the current national development policies and strategies for the agriculture sector in the country. These later documents also draw from the African Union's Comprehensive Africa Agriculture Development Programme (CAADP), ECOWAS Agriculture Policy (ECOWAP) as well as the commitments in the 2014 Malabo Declaration for agriculture development in Africa.

Contextualising Women's Access to Productive Resources in Ghana

Access to factors of production such as land is an important ingredient in ensuring improvement in agriculture production more generally. More particularly, women's access, control and ownership of land is a critical factor in addressing gender inequalities in the agriculture sector. Yet, land access pathways for women is interlocked in a combination of complex customary and statutory laws. The land governance regime operates within a remit of plural legal system within which layers of rights unfold. For women, these could be both an advantage and disadvantage depending on the specific context of the mixture of regimes that apply to land in their traditional areas/ communities.

It is particularly important to situate this discussion in the customary law regime that govern the land sector as 80% of the land in the country is customarily held with varied practices across different traditional areas/ communities across the country. Only 18% of land is vested and 2% is state owned. The statistics even gets more complex when in the current state, about 166 laws govern the land sector in addition to the many unwritten customary laws which fall within the ambit of stools, skins, families and individuals. This complex mix of land governance systems often bring confusion and in the case of customary governance systems, men determine how women could access, own, control and operate land. This arbitrariness has entrenched the inequalities that women and other vulnerable segments of the society experience in the land sector. Consequently, their tenure regime becomes fragile and insecure.

Meanwhile, the promotion of agriculture production depends on a secured land tenure system for women and men. However, this is not usually the case in Ghana where social norms governing inheritance practices, residential arrangements and patterns, marriage, and division of labour circumscribe how women access, control, operate and own land for agriculture purposes. A more general outlook of women and land in Ghana shows that, women's access to land is mediated through their membership of the family, marriage, inter vivo transfers from relations and through different forms of contracting

such as yearly rentals and sharecropping. While marriage remains a means through which many women could access land, changing demographic characteristics at the household level challenge the widely held view as Ghana Statistical Service in its GLSS Round 6 reported 30.5% of households are headed by women with rural coastal areas recording even higher figures of 38.1%.

The GADSII and Women

The GADSII which is already launched has nine strategic objectives covering the entire value chain of the agriculture sector including strengthening institutional capacity for gender-responsiveness in policies, programmes and projects, enhancing equitable delivery of agricultural services and access to inputs, enhancing access to land, information on land rights and tenure security, develop and disseminate gender-sensitive appropriate technology along the agriculture value chain, promote gender-responsive agribusiness, value-addition and market access for livelihood and growth in incomes, promote gender-sensitive research and extension linkages, promote equal representation and participation in decision-making by women and men at all levels; harness the potentials of vulnerable farmers for social protection and strengthen gender coordination among state and non-state institutions.

Not only does the GADS II tackle gender equity in access to production inputs such as land, extension services and inputs, it emphasises the need to look at post-harvest activities such as processing and marketing where women dominate to include gender-responsive policies, programmes and projects along the agriculture value chain. This in addition to gender-responsive agribusiness and gender-sensitive research and extension linkages makes the GADS II a comprehensive strategy to promote gender equity and equality in the agriculture sector.

Despite its comprehensiveness, the following key recommendations are proposed based on the caveats in the document:

Key Recommendations

1. The Women in Agricultural Development Directorate (WIAD) should be decentralised so that it could guide NGOs and other actors to gender mainstream their projects.

¹ Torvikey, G.D. (2016)

² Ghana Statistical Service(2014) on GLSS6

2. MoFA through WIAD should promote service delivery -strategies that are friendly to women and other social groups.
3. Women's groups, NGOs and especially MoFA as part of its Farmer Organisation Development Strategy should use the opportunity of service delivery through FBOs to rally women to form women only groups or join existing FBOs to enhance their chances of accessing interventions from government and other groups.
4. MoFA through WIAD must educate and support women to produce crops that have much support from government.
5. The inclusion of women in decision making bodies must be emphasised in addition to making sure that their views are reflected in final decision documents
6. MoFA and other land sector agencies should collaborate with research institutions and NGOs to collect, collate and share data on land ownership and titling to enable evidence based advocacy.

The Land Bill and Women

When passed into Law, the Land Bill will become the main document that spells out modalities for land administration, access, registration, conveyancing and all land related issues in the country. This makes it a very important document. The provisions in the Land Bill encompass all segments of the society especially women who experience the negative parts of customs that exclude them from issues related to land in gross contravention of Article 17.36(6) of the 1992 constitution which enjoins the state to eschew discrimination of all forms. However, some aspects of the provisions need to be reviewed and hence the following recommendations are proposed:

Key Recommendations

1. The Lands Commission should be decentralised to make it functional at the community level
2. The Lands Commission should be empowered to have a stronger collaboration and interaction with the Customary Land Secretariat