

AGRICULTURE POLICY SUPPORT PROJECT**STRENGTHENING LAND REFORMS TO STIMULATE PRIVATE SECTOR INVESTMENT IN AGRICULTURE.**

This brief is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The opinions expressed herein are those of the author (s) and do not necessarily reflect the views of the USAID

ACKNOWLEDGEMENT

This policy brief has been developed by **The Hunger Alliance of Ghana (HAG)** with support from USAID Ghana Agriculture Policy Support Project, as part of efforts to promote Public Private Dialogues (PPD) aimed at boosting private-sector participation and investment in agriculture.

1.0 Background Context

Ghana's agriculture sector is a key driver of the economy, contributing 23 percent to Gross Domestic Product and accounting for 43 percent of national employment, with small holder farmers responsible for 80 percent of all agriculture production (Ministry of Food and Agriculture 2016). A major determinant for agriculture transformation is access to land, yet this single resource of the sector has been bedevilled by many challenges including land grabbing.

According to the Ghana Commercial Agriculture Project Report (GCAP 2017), interest by foreign

and domestic investors in acquiring farmland in Ghana appears to have significantly grown over the past few years. This demand for investment in agriculture land, without reservation has been fueled by the food needs of the population, commodity price fluctuations and new target for biofuel production.

While the pursuit of investment in land for agriculture purposes can bring economic benefits such as increased incomes, improved economic growth and export earnings, and additional food crops for local consumption commodity, insecurity of land rights under Ghana's existing land tenure system remains a major impediment for private sector investment in agriculture and this need to be addressed.

This policy brief catalogues key issues raised on land reforms in Ghana at a national dialogue on agriculture investment in Ghana which was organized by the Hunger Alliance of Ghana on 12th December 2017. The brief reflects the position of the Alliance on land reform matters with the view of influencing private sector investment in agriculture.

2.0 Land Tenure System and Public Policy

Ghana is known to operate a dual system of land administration for centuries. Acquisition and disposal of various land rights are managed by the two main systems-the state systems operated by written rules and statutes and the customary system operated by unwritten rules of custom and tradition. Both systems are recognized and guaranteed by the 1992 Constitution. According to the Ministry of Lands and Natural Resources 2016, about 80% of the total land area in Ghana falls under the customary system and the Traditional Leaders play a significant role in providing leadership and the institutional arrangement for the administration of such lands.

A follow up meeting by the Hunger Alliance of Ghana Technical team, with the Project Coordinator of the Ghana Commercial Agriculture Project(GCAP), Mr. Charles Nornoo with the aim of gathering for inputs for this

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policy brief on Thursday January 18th, 2018, further confirmed this reality. Approximately 60 percent of GCAP's land operational area in the Accra plains for commercial agriculture ventures are under the control of customary-land owning families. This makes land acquisition for commercial agriculture indeed very challenging.

The Government of Ghana has over the years, introduced several policies to deal with the myriad of challenges in land acquisition for commercial agriculture purposes.

Unfortunately, the situation has not changed as the conflicts and insecurity over land and land tenure continue to persist if not worsened. While several attempts are aimed at reforming land systems in the country, a cursory look at literature suggests that the policies and programmes of government towards reforming the land system have mainly shunned away from the local land tenure, which is the main problem in the land sector, thereby limiting agricultural production and productivity. A typical example is the current Land Administration Project (LAP). An assessment of the project by the Alliance's Research Team proved that the Land Administration Project is aimed at solving the administrative and governance challenges associated with the acquisition of land instead of tackling the land tenure system challenges head-on.

A presentation by the Project Coordinator of LAP, Dr. Benjamin Quaye at a national dialogue on agriculture investment organized by the Hunger Alliance of Ghana on the 12 December 2017, further confirmed the challenges in land administration over the years that has become a hindrance to agriculture development. Through the presentations and discussions at the dialogue, it was revealed that the traditional system of land access and distribution or generally the local tenurial system was heavily embedded in the local social system of its people and thereby resisting any form of formalization. As pointed out by Ampadu-Ameyaw (2015), any attempt to formalize local tenurial system in its present

state without a deeper understanding of the local customary system, will be a failure and an exercise in futility.

There is therefore the need for a revised, comprehensive Land Policy that provides a clear direction and can also adequately address the challenges in land administration in Ghana. This should also address the current trends in large scale land acquisition for agriculture by the private sector as well as address the issue of the mixed roles of State and Customary Institutions to effectively tackle the problems of large scale land acquisition. A new land policy should strengthen institutions such as the Lands Commission and modernize it to become a one-stop center supported with appropriate state of the art equipment and solutions for information dissemination, counseling, registration and documentation of large scale land acquisition deals.

3.0 Mining, Land and Agriculture

Even though small-scale mining has tremendous effects on agriculture lands, research has shown that large-scale mining has proven to be a growing challenge to private sector investment in agriculture in Ghana and a serious threat to its food security. This is due to the intense competition between land acquisition for agriculture and land acquisition for mining purposes. According to Dr. Ibrahim AIDARA, an Economic Governance Program Manager at OSIWA, nearly 30% of the Ghana's land surface and arable lands have been licensed to more than 200 mining companies for their activities, including at least 2% of the country's dwindling forest reserves. This is because these mining companies have the financial capacity to pay the appropriate royalties and fees to traditional authorities to the detriment of private agribusinesses who have an interest in acquiring land for agriculture.

In the Tarkwa and Prestea mining areas alone, agricultural land is about 1083 square kilometers, and this constitutes 46% of the total land area. The area is dominated by mining

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with six (6) companies mining in the area. By implication, most of these agricultural lands are now concessions of mining companies. Many farmers have lost access to agricultural lands and this discourages the private sector from accessing land for agriculture purposes due to land grabbing for mining purposes and the insecurities surrounding such lands. Lack of clarity and transparency in land acquisition at the local level under the current tenorial regime needs to be urgently addressed by the government.



An arable land destroyed by mining

4.0 The need to address gaps in the National Land Policy and the Land Administration Programme

Ghana developed the first National Land Policy (NLP) in 1999 which among others aimed at strengthening tenure security systems.

While it is acknowledged that, the reform process in Ghana is producing some good results, some real challenges on the ground continue to persist and remain a threat to agriculture productivity. According to Gregory A. Thompson (2015), there is a clear case of a gap between policy (ideology) and practice (social reality). There is the need to put in a stop gap measure to ensure a break from the past if the current project (LAP) is to help correct problems in the land sector.

The research team of the Hunger Alliance of Ghana believes there exist several institutional, legal and cultural barriers that underpin land reforms and have multidimensional

implications for large scale land acquisition for agriculture which must be addressed in the ongoing land reform. The Alliance believes that specific and clear provisions for ensuring private investors have secure land rights for agriculture should be an issue of serious consideration in the new land bill before parliament. While highlighting the constraints in Ghana’s land reforms which the current land bill seeks to address, it is equally important to also acknowledge some of the initiatives that have influenced the current land reforms agenda. We therefore wish to commend the USAID Agriculture Policy Support Project (APSP) for supporting the ongoing land reforms in two key initiatives. APSP’s initiatives included the support for the drafting of the Land Bill and Guidelines for Large Scale Land Transactions in Ghana. In these initiatives, APSP provided technical assistance to the Lands Commission to adjust the land bill as per the following areas:

- Mitigating the risks of transaction-based registration/recording.
- Addressing other concerns within the customary land rights framework
- Enhancing transparency and accountability in land governance institutions
- Clearly articulating registration and recording options for land rights in Ghana
- Expanding coverage for electronic registration and conveyancing
- Incorporating a more robust legal framework for Large-scale Land Transactions (LSLT).
- Improving the compulsory acquisition sections of the Bill.
- Defending and refining the Bill’s coverage of women’s land rights

5.0 Key policy recommendations from Hunger Alliance of Ghana for consideration.

Hunger Alliance of Ghana through its various stakeholder dialogues and desk reviews of articles, journals and publications on land reforms and its implications for agriculture



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hereby present key policy recommendations for consideration.

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1. New Land reforms should bring about changes in the structural ownership of land that empowers the government through local authorities at the district level to create land banks for agriculture.
2. There must be a conscious government effort to decentralize the registration and documentation of lands in Ghana. This must be a priority initiative that must be spelled out in the new land bill.
3. Government must set up an efficient system for collating and harmonizing data on large scale land acquisition in the country to support policy analysis and policy decisions.

Bibliography

1. Food Security Policy Advocacy Network, Report on Forum on Land Grabbing, Biofuel Investment and Traditional Authorities in Ghana, July 2012. Lands Commission,
2. Draft on Guidelines for Considering Large Scale Land Transactions for Agricultural and Other Purposes, Undated. Republic of Ghana,
3. The 1992 Constitution of Ghana.
4. Report on the national dialogue on agriculture investment in Ghana 2017
5. Ghana Commercial Agriculture Project 2017 report
6. Ministry of Lands and Natural Resources
7. Ampadu-Ameyaw R and R. Aidoo (2015), Formalizing Informality for Increased Security: Customary Land Tenure Formalization in Ghana. Asian Journal of Agricultural Economics and Sociology, 5 (2), pp.76-87.

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