



**Responsible Land Governance:  
Towards an Evidence Based Approach**  
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**WOMEN, LAND AND CORRUPTION IN GHANA- FINDINGS FROM A BASELINE  
SURVEY**

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## **Abstract**

*In Ghana, rural women constitute a critical source of labor in the area of agriculture. This means how they access, use and hold land is critical, considering the fact that land is a primary asset of production in dominantly agrarian communities. This paper examines the incidences of corruption in land and how these reinforce discriminatory practices to undermine women's land rights. This paper draws evidence from multiple stakeholders from three case study areas. The paper establishes that recent land acquisitions for commercial agricultural investments such as rubber, conversion and alienation of peri-urban farmlands for property development and access to tractor services for farming purposes are all riddled with corruptions. Bribery is a common feature in the context of land with 1 in every 3 persons having paid bribe when accessing land services. Women are increasingly becoming food insecure, their livelihoods are being endangered and they continue to be subjected to displacements. In response to these and other issues, the paper recommends among others the establishment of land administration clinics which can facilitate legal empowerment of community members, particularly women as well as ensuring enforcement of transparency and accountability provisions under both customary and statutory land laws.*

**Key Words:** Land Rights, Corruption, Women, Livelihoods, Ghana

## **Introduction**

Land is a delicate asset with multiple attributes. As an economic asset, it is a major source of employment and livelihood, especially in dominantly agrarian societies such as Ghana. As a social asset, land is a source of socio-cultural identity and the basis for the construction of families and ethnic groups. The centrality of land in the socio-economic discourse makes it critical in the very existence and development of societies such as Ghana. Indeed it has been argued that land is 'life' (Wicker, 2011). Take away one's land and the implications become far reaching.

Despite its importance, the land arena is characterized by competing and contesting interests and all these occur in the context of imbalanced power relations. This creates the situation where people who are driven by different motivations may be backed by different power dynamics in the pursuit of their land related goals and aspirations. In this regard, the subject of land represents a congested terrain for claims and counter claims by different actors. This predictably creates many losers although there are some winners, especially those who have been entrusted with power to act for the collective interest of others.

It is well recognized at the global level that women remain a vital labor force in the agriculture value chain yet their access to and control over land tend to be weak, largely as a result of socio-cultural barriers (Kevane, 2004; FAO, 2015). In many instances, this state of affairs is the outcome of entrenched discriminatory cultural practices which inhibit women's land rights (United Nations, 2010). With land being a critical factor of production, ensuring fair and even

access and control over land is critical in ensuring shared prosperity. In effect, land right is central in ensuring inclusive growth in many areas of human endeavor such as access to food and adequate shelter (Amanor and Moyo, 2008). Land rights are thus human rights (Tsikata and Golah, 2010). Therefore, any practices which tend to undermine the land rights of women, who constitute roughly 50 percent of the population, are therefore inimical to inclusive development (Amanor and Moyo, 2008;Tsikata and Golah, 2010). When existing discriminatory cultural and social practices are further reinforced by land related corruption, the outcome is hugely toxic and women are further disproportionately affected.

Corruption involves the abuse of entrusted power for personal or private gains (Jain, 2001; Transparency International, 2015). When corruption thrives in areas of land ownership, use and alienation, it results in weakened tenure security, forced eviction and undermines the ability of rural land users to adequately invest in land to achieve the needed level of productivity. Already, the dominance of patriarchal forms of inheritance in Ghana adversely impacts women land rights (Whitehead and Tsikata, 2003). This paper investigates how corruption and discriminatory land related cultural practices intersect to affects the land rights of rural women in Ghana. The objective of this paper is to take stock of existing incidences of corruption in the context of land and map out how women are specifically affected by this state of affairs. This is an important pre-cursor towards fashioning out how land related corruption can be addressed through gender sensitive methodologies in order to significantly minimize the impact, particularly on women.

The rest of the report is organized into eight sections. The first section examines the meaning of the conceptual term ‘corruption’ before moving to discuss land ownership variants in Ghana and the legal and policy environment which guides land ownership, access and use. The fourth section then outlines the research methodology before analyzing and discussing findings from the empirical research. The penultimate section looks at options for addressing land related corruption. The final section then summarizes, reflects on the policy implications and concludes the paper.

### **Conceptualizing corruption**

As a conceptual term, corruption has proved difficult to define over the years. Various commentators have defined the term differently although such definitions largely reflect the interest and focus of such authors (Acemoglu and Verdier, 1998; Jain, 2001). Klitgaard (1998) defined corruption as a monopoly of power, combined with discretion and absence of accountability. The World Bank and the Transparency International also define corruption to include any misuse or abuse of a public office for a person’s own private gain (Transparency International, 2015). According to Gbenga (2007), corruption connotes a conscious attempt at deviating from the normal use of resources to satisfy a common interest and rather serving a personal interest; thus intentionally perpetuating a parochial stake rather than the general interest of the larger entity. Stated differently, corruption refers to the situations where entrusted powers of public office are used to pursue personal gains in a way and manner that contravenes the rules of the game (Jain, 2001).

Corruption may manifest in different forms. According to Alatas (1990), corruption may be transactive (business-related; for mutual benefits of both donor and recipient), extortive (benefitting by threatening harm on another), defensive (to avoid an impending harm), investive

(an act to incur a future benefit) and nepotistic (favouritism of family or friends). Others (such as UN-Habitat, 2004; Gbenga, 2007) classify corruption into bribery, fraud, favoritism and clientelism. Bribery and fraud are closely linked. However, while bribery involves abuse of discretion in favor of a third party in exchange of benefits given by the third party, fraud arises when there is abuse of discretion for private gain without third parties' involvement (UN-Habitat, 2004). In terms of scale, corruption may be Small, big or grand, with the latter often involving multiple actors. Yet corruption in any form or scale is dangerous to the socio-economic development of communities at all levels. It interferes with sound judgements and choices of the public, thus distorting the quality delivery of expected services and subsequently results in failure of governance, policies and programmes which would otherwise have been useful to development (Shah and Schater, 2004; Jain, 2001). Empirical findings from more than 63 countries show that where corruption is less prevalent, it correlates to better development indicators, higher levels of foreign direct investment and increased crop yields (UN-Habitat 2004). Corruption is therefore a cause as well as an outcome of poverty and underdevelopment.

Ghana continues to receive rave reviews about its governance and democratic credentials. It has been variously described as 'Africa's star of democracy', 'a poster child of Africa's democracy' and 'West Africa's haven of stability' (CNN, 2014; Guardian, 2013). Yet corruption is generally perceived to be endemic. Indeed, Ghana is witnessing an era of 'corruption boom' which is characterized by a complex web involving the executive, legislature, judiciary and bureaucrats (CDD, 2015; Transparency International, 2015). In 2014, an Afrobarometer Survey on 'Trust and corruption in public institutions: Ghanaian opinions' revealed that three-fourths (75%) of Ghanaians believe corruption increased "somewhat" or "a lot" during the past year (CDD, 2015). Disturbingly, a considerable number of respondents (7 of 10 Ghanaians -70%) believe government has performed "very badly" or "fairly badly" in fighting corruption (CDD, 2015). This is despite the fact that Ghana has developed, approved and adopted a National Anti-Corruption Action Plan. The perceived rise in corruption, coupled with weak attempts to combat this menace pose a major threat towards achieving shared growth and prosperity. All these are indicative that corruption remains pervasive across all sectors of the economy with the land sector not being an exception.

Corruption is a major concern in land administration in Ghana as successive corruption perception surveys have ranked the land sector as one of the key areas hotspots for corruption (CDD, 2015). As a result of corruption in the land sector, the ongoing Ghana Land Administration Project (LAP) is seeking to improve land governance by 'reducing corruption in land administration' and deepening 'transparency checks' across the various typologies of land ownership in the country (World Bank, 2003, p. 35). Corruption therefore remains a topical issue in the field of land administration in Ghana.

### **Land ownership and Land Access dynamics in rural Ghana**

The land ownership and tenure systems in Ghana reflect the established customs and norms of the colonial past and the dynamics of contemporary society. These eventually split out into three categories of land ownership classifications in the country. These are customary, state/public and vested lands. Public lands are those lands which are collectively owned by the entire citizenry of Ghana. These include lands which have been acquired compulsorily by the state. Such lands are vested in the state with the Lands Commission serving as the main institution for their management and administration.

Customary lands on the other hand include land which is owned collectively by ethno-tribal entities such as a family, an ethnic group, a tribe or a kingdom. With customary lands, each

member of the land owning group has an inherent right in the jointly owned resource. One common feature with customary lands is that there is a designated leader –either a chief, a family head or a clan leader who is designated as the trustee of such land. Customary lands may be categorized as stool/skin lands or family lands. With a stool or skin land, the land is owned by an entity (such as a tribe or ethnic group) with the chiefs as the trustee. In many instances, there are various hierarchies of chiefs who are all involved in managing land in order to ensure that the collective benefits are maximized.

Rural women in Ghana access land for farming purposes through a variety of pathways. These may include rentals, share cropping, gift or inheritance (Agyepong, 2013). However, since land is conceived as an intergenerational asset which is handed down to people, inheritance undoubtedly is one of the most important sources of land. In this regard, the matrilineal and patriarchal distinctions are of critical essence. In matrilineal societies, children inherit from their mother's blood line. Under this arrangement, one's lineage or actual family for the purpose of inheritance include mothers and maternal cousins, aunts, uncles, grandparents (Kutsoati and Morck, 2012). Under matrilineal inheritance, children, both men and women, are equally entitled to inherit their mother's assets which among others include land (La Ferrara and Milazzo, 2014). With the patrilineal setup, children inherit from their father's bloodline and not their mother's lineage (Kutsoati and Morck, 2012). Unlike matrilineal contexts, children do not have equal access and control over assets such as land. Rather, the eldest son holds the inherited estate in trust and for the collective good of their surviving mother, brothers and sisters. This naturally creates dependent social relations where women derive their access to vital economic resources from their male kinsmen such as brothers and paternal uncles (Kutsoati and Morck, 2012). This arrangement has been a source of inequality and various laws and policies have been developed over the years to tackle this state of affairs.

### **Women and Land – Summary of the Legal and Policy Arena**

The inherent cultural inhibitions which undermine women's land rights has attracted both legal and policy responses in attempt to bridge existing inequalities. For example, one of the key Directive Principles of state policy which is enshrined in the Ghanaian Constitution requires that:

*The State shall afford equality of economic opportunity to all citizens; and, in particular, the State shall take all necessary steps so as to ensure the full integration of women into the mainstream of the economic development of Ghana (Article 36, 6 of the 1993 Constitution)*

As part of efforts to achieve this constitutional provision, Ghana has signed up to several conventions and international guidelines which seek to eliminate gender based discrimination, including accessing productive economic resources such as land. These Conventions include Gender and Development - A Declaration by Heads of State or Government of the Southern African Development Community, 1997; Women's Declaration and Agenda for a Culture of Peace in Africa, adopted at the Close of a Pan African Conference in Zanzibar, 1999; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); The Millennium Development Goals, which focus on improving education and health for women and girls as well as the Beijing Declaration and Platform for Action, among others. Ultimately, such commitments are expected to provide the needed impetus to place issues of gender at the fore front of relevant polices and laws.

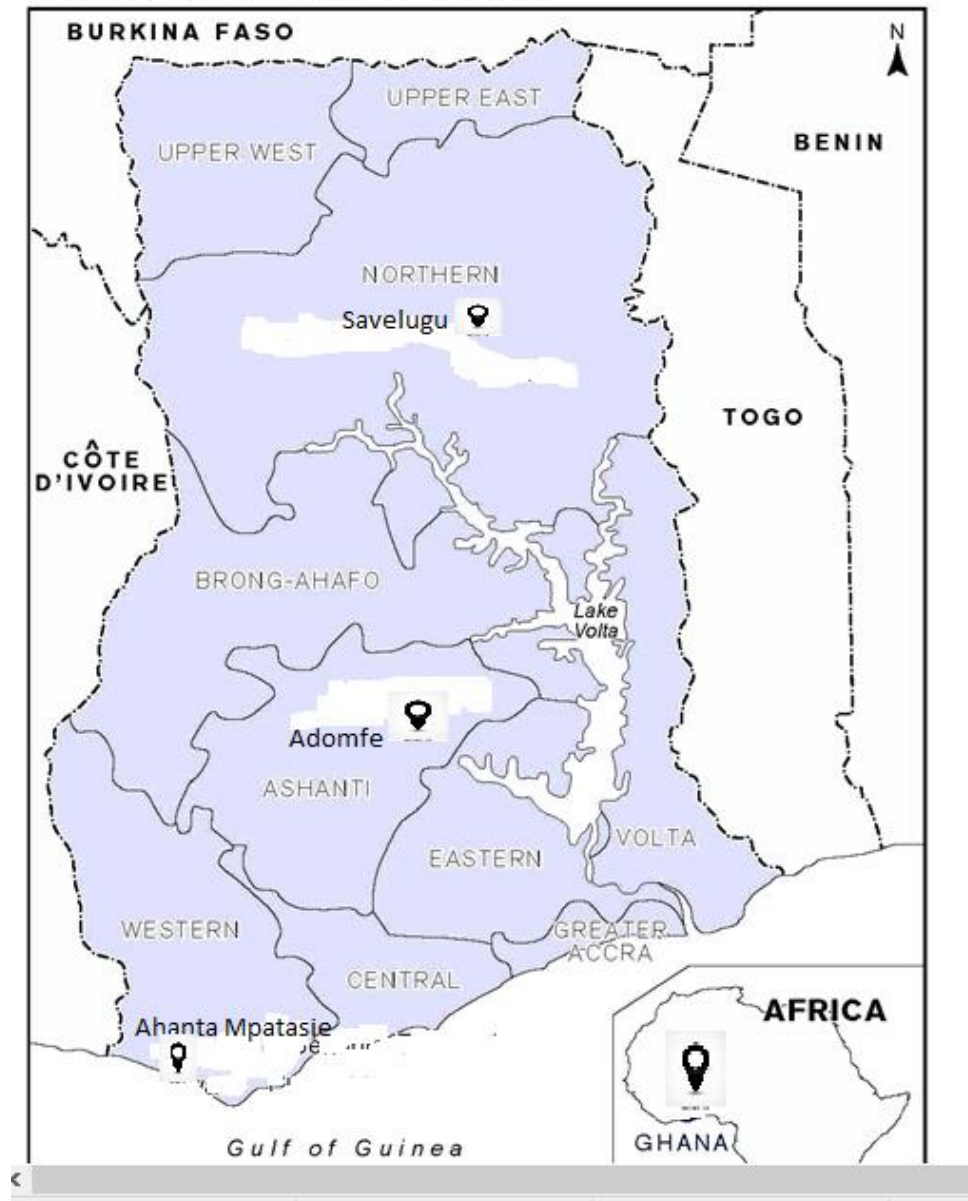
The creation of a dedicated Ministry for Women and Children Affairs in 2001 and the subsequent development of a National Gender and Children's Policy (2004) marked the beginning of a new era that prioritized the mainstreaming of gender into all aspects of national development plans and policies. Flowing from this, strategic national development policies such as the Growth and Poverty Reduction Strategy (GPRS) (2006-2009), the Coordinated Programme of Economic and Social Development Policies (2010-2016), the Ghana Shared Growth and Development Agenda (2010-2013), the Ghana Water Policy of 2007, as well as the National Irrigation Policy all highlighted strategies to identify and bridge existing gender gaps in order to effectively address the challenges of women. The Ministry of Food and Agriculture has played an important role to streamline gender over the years. There is a dedicated Women Directorate – Women in Agriculture Development (WIAD) and the Gender and Agricultural Development Strategy (GADS) was launched in 2001 to provide the needed framework that will promote sustainable agricultural development by ensuring gender equity and women empowerment (Dittoh, Snyder and Lefore, 2015).

These interventions are well complemented by the various efforts from key programmes such as the on-going Ghana's Land Administration Project, the Lands Commission, Office of the Administrator of Stool Lands, traditional authorities and Customary Land Secretariats which seek to level the playing field for men and women in terms of accessing productive land with secure tenure (Spichiger and Stacey, 2014). The legal and policy attention to address existing land related inequalities are welcoming. Building on this, we examine how corruption manifests in land and subsequently impacts on women. The next section looks at the methodological approach for examining the corruption, women and land linkages.

### **Materials and Methods**

How corruption manifests may be unique to different contexts and this makes the case study research approach within the qualitative research paradigm an appropriate method to explore the issues under consideration (Yin, 2003). This qualitative study employs the grounded theory in exploring the issues under investigations. Grounded Theory involves the discovery of emerging patterns in data (Glaser, 1992). There are ten administrative regions in Ghana and field level investigations were conducted in selected communities in three regions. These were Western Region (Ahanta Mpatasie), Ashanti Region (Adomfe) and Northern Region (Savelugu). The locations of these areas are indicated in the map below.

Figure 1. Map of Ghana showing the case study areas



Source: Authors' Construct, 2016

The choice of these areas was influenced by the fact that they reflect the two broad modes of inheritance which are matrilineal and patrilineal systems. The main mode of inheritance in the Western and Ashanti Regions is matrilineal, whereas the Northern Region is dominantly a patriarchy. In each area, a broad range of stakeholders such as personnel from the Lands Commission, Civil Society Organizations, and farmer based organizations, women groups, Chiefs and Traditional leaders, gender experts, Secretaries of Customary Land Secretariats, Ministry of Food and Agriculture and Office of the Administrator of Stool Lands among others were engaged. These stakeholders were engaged using key informant interviews and focus group discussions. In all, 44 key informants were interviewed and 4 focus group discussions which comprised only women were conducted. A total of 222 household questionnaires were

administered to a broad spectrum of stakeholders. Content Analysis Technique, as developed by Krippendorff (2010) was employed in analyzing responses from interviews and focus group discussions. The ensuing sections present a detailed analysis of findings from the various case studies. Responses from the questionnaire were first entered into a Ms Excel Template and the dataset was then imported into SPSS. It was then cleaned before subsequently analyzing using descriptive statistics.

## **Analysis and Discussions**

### **Analysis and Discussion of Household Survey Responses**

#### *Social Economic Characteristics of Respondents*

This section examines responses from the household survey in order to develop a broader overview of land access dynamics, the prevalence of corruption and the extent to which corruption in land access, use, transfer and documentation are gendered. As has already been indicated, the household survey engaged men (112) and women (110) which effectively ensured fair and equitable representation of both men and women in the survey. In terms of the educational background, majority of the 222 respondents (88 or 39.6 percent) had not been to school whereas considerable proportion (42 or 19 percent) has attended school for at least 13 years.

### **Demand and Payment of Bribe**

Are people being asked to pay bribes when dealing in land? This is a complex question which requires critical attention. To recap, corruption as a conceptual term largely involves the abuse of an entrusted position for private gain (UN-Habitat, 2004). However, it becomes a complex phenomenon when existing acceptable cultural and social norms open up a legitimate space which could cause corruption to fester.

The Criminal Offences Act, 1960 (Act 29) criminalizes active and passive bribery, extortion, exploitation of a public office and the use of public office for private gain, irrespective of the nationality of the bribe payer/taker. Direct and indirect acts of corruption are illegal.<sup>1</sup> In effect all parties (including the giver, the recipient and facilitators) who are involved in corruption are culpable under the laws. As a result, even people who have had to pay bribe may be extremely reluctant to admit. Therefore, to carry out any survey on the extent to which people are paying bribe, tact and caution are both required. As a result of these considerations, enumerators were carefully trained in order to effectively negotiate this challenge. For example instead of asking ‘have you paid bribe’, the question was re-phrased as ‘have you made any payment whether cash which in your opinion was unauthorized or unjustifiable?’. Once the respondents affirms that such a payment have been made, the enumerator then probes further in order to ascertain the exact nature of payment involved before concluding that a bribe has been paid. Such probing helped to uncover the following;

- i. Some payments were made to officials who are responsible for collecting farm rent in order to reduce the liability of rent payable
- ii. Similarly, others have made such payment to assessors or collectors of property rate

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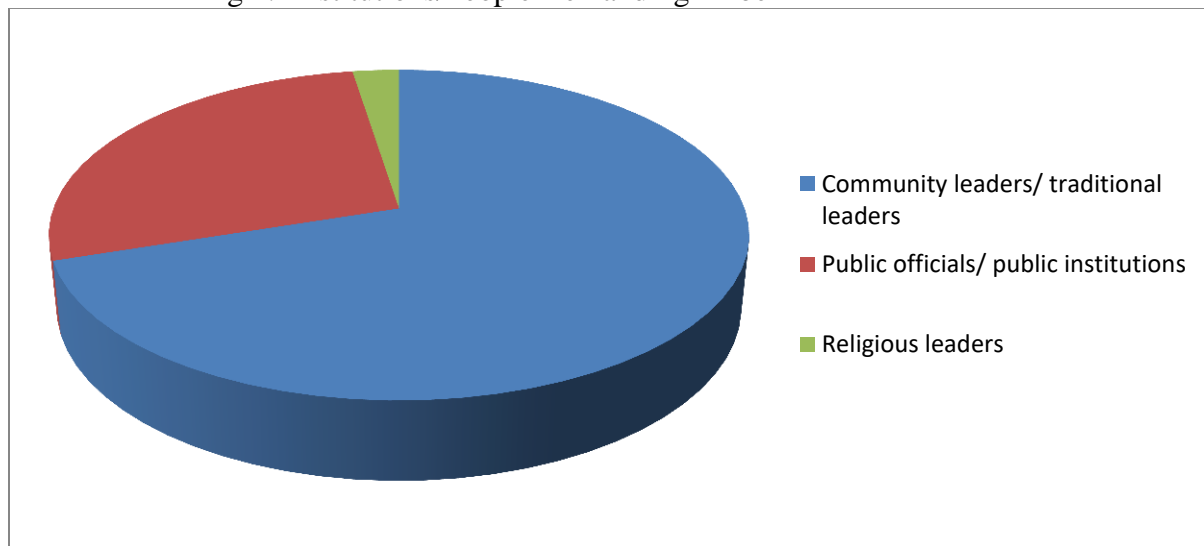
<sup>1</sup> <http://www.globallegalinsights.com/practice-areas/bribery-and-corruption/bribery-and-corruption/ghana>



- iii. Other respondents have made various unofficial payments at various offices at the Lands Commission when attempting to assess official services
- iv. Some form of facilitation fee paid to Town and Country Planning Department in attempt to obtain planning permission.
- v. Payment of cash or kind (other than the ‘drink’ or ‘kola’ money) to chiefs and other traditional leaders in an attempt to acquire land
- vi. Chiefs offering plots of land to facilitate the planning and provision of utility services to their community

Out of the 222 respondents, 81 (representing 36 percent) indicated that during the past 12 months, they were asked to pay bribe (or some unapproved/unauthorized) with respect to land. This means, 1 in 3 persons were asked to pay bribe. Various institutions were cited to have demanded bribe chiefs and traditional authorities being the most dominant.

Fig 2: Institutions/People Demanding Bribe



Source: Field Survey, 2015

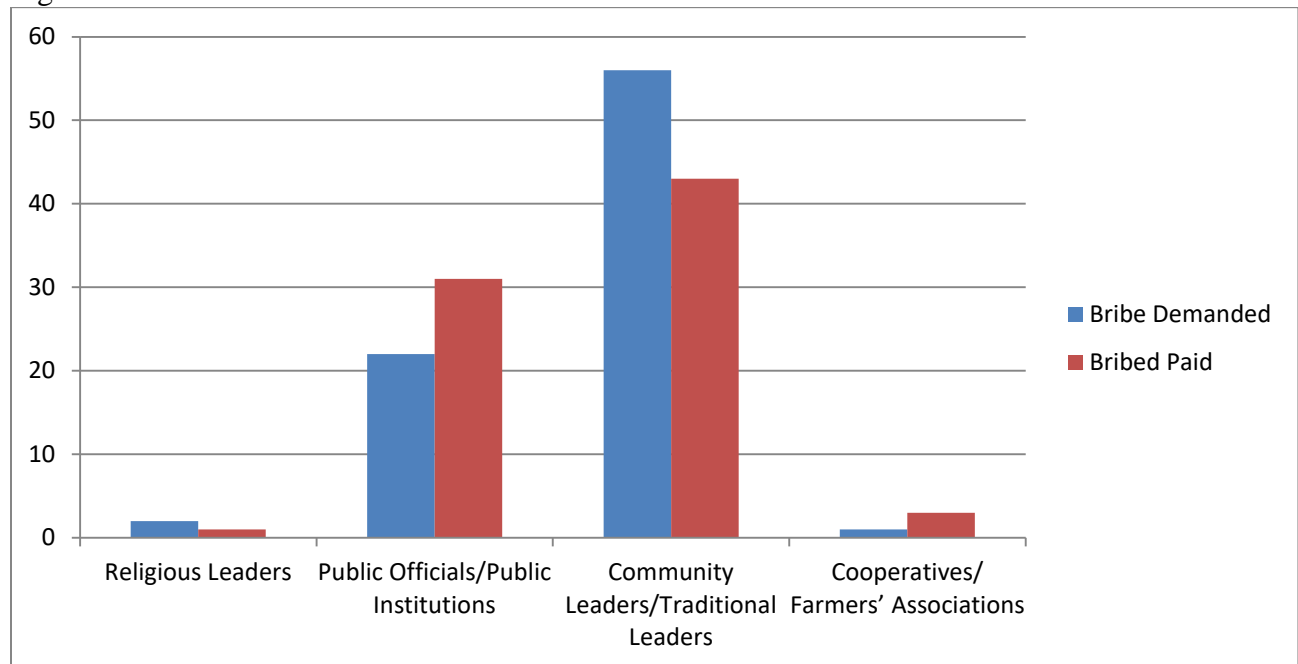
The fact that about 36 percent of respondents had been asked to make unofficial payment represents an active demand side of the bribery menace within the land sector. But are men and women exposed to the same likelihood of being asked to pay bribe? A disaggregated analysis of responses from the household survey highlights that both men and women were asked to pay bribe. Out of the 81 respondents who were asked to pay bribe, majority of them (53 percent) were men with the remaining 47 percent being women. In effect, both men and women are predisposed to being asked to pay bribe with regards to land for which they have a stake.

Evidence suggests that the ‘demand side’ of bribery is active and land service providers demand some form of unofficial payments from about a third of all people who access land services. Do people pay bribe when they are asked to? Evidence from the field survey indicates that to a large extent people who are asked to pay bribe indeed end up doing so. Out of the 222 respondents, a total of 83 (or 37 percent) admitted to having made a payment which is essentially bribe in the past one year. This percentage is close to the number of respondents who were asked to pay bribe

(36 percent or 1 in three persons). In terms of the gender disaggregation, 57 percent of those who paid bribe were men whereas the remaining 43 percent were women.

Evidence indicates that the ‘demand side of bribery’ consists of a broad segment of actors and this ranges from traditional authorities, state agencies, religious leaders, cooperative farmer groups and local opinion leaders. The pattern and dynamics, in terms of who ‘demand’ and ‘paid’ bribe is presented in the figure below.

Fig. 3- Actors who demand and receive bribe



Source: Field Survey, 2015

From the chart, the two main bodies which are involved in ‘demanding’ and ‘receiving bribes’ are the public institutions/public officials and community leaders/traditional leaders. A quarter of the respondents (56 out of 222) were asked to pay bribe by traditional leaders/community authorities. Out of this, only 19 percent actually paid. This suggests that about 6 percent of the total respondents have within the past 12 months refused to pay bribe despite the fact they were requested to do so by community leaders.

On the other hand, a total of 31 out of the 222 respondents (14 percent) admitted to having paid bribe or made extra-official payments to public officials/public institutions. However, only 22 (10 percent) respondents noted they were asked to pay bribe by these officials. By scrutinizing this situation further, it becomes clear that about 4 percent of the 222 respondents paid what they considered as bribe/unauthorized payment to public officials even when they had not been asked to do. This gives some indication that a segment of the population have come to accept that paying bribe when dealing with public land institutions is a normal practice and this shows a strong supply side of corruption. Such people have high tolerance for corruption and this makes it even more difficult to combat it. Bribes are mainly paid in cash. This is because 85 percent of

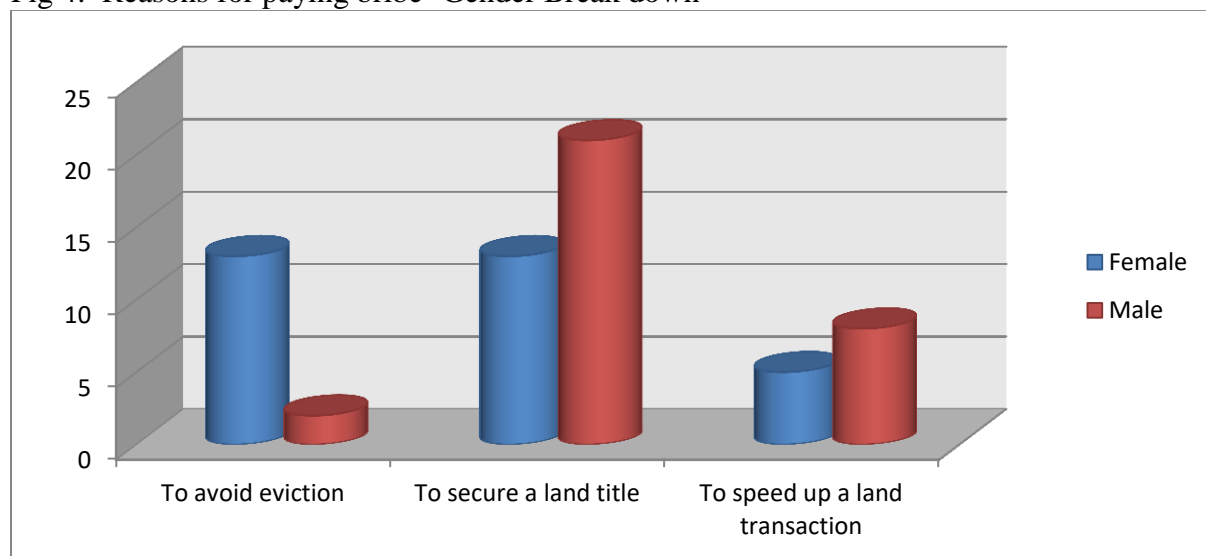
all those who admitted to paying bribe paid money. Only about 5 percent of the respondents noted that they have paid bribe.

### Reasons for paying bribe

Paying bribe is an extra cost to the individual or entity who is involved in land related issues. Therefore, for people to pay bribe, there must be some gains or benefits which may not necessarily be derived if such payments are not made. To explore this, the relationship between paying bribe and one's perception of tenure security was examined. Many respondents (140 out of 222 or 63 percent) noted that the land they are currently holding cannot be taken away and this represents widespread perception of tenure security. However, 64 out of the 222 (29 percent) considered their land rights to be vulnerable. A cross tabulation of the questions 'can the land you are currently using be taken away from you' and 'did you pay bribe within the past 12 months' brings to the fore that 42 percent of those who noted that their land cannot be taken away from them indicated that they have paid bribe during the past 12 months. It will appear that paying bribe could improve one's perception of tenure security. This is because 15 out of the 83 respondents who admitted to have paid bribe, (18 percent) did so to 'avoid eviction' whereas 34 (41 percent) paid bribe to 'secure title'. This means about 60 percent of all those who paid bribe did so to strengthen their security of tenure. Only 16 percent of bribe payers did so to speed up land transaction. This indicates that there are different motives for paying bribe.

Are there different reasons why men and women pay bribe? Further analysis indicates that more women than men are likely to pay bribe to avoid likely eviction. Men on the other hand are likely to pay bribe to speed up land transaction or improve perception of tenure security.

Fig 4: Reasons for paying bribe- Gender Break down



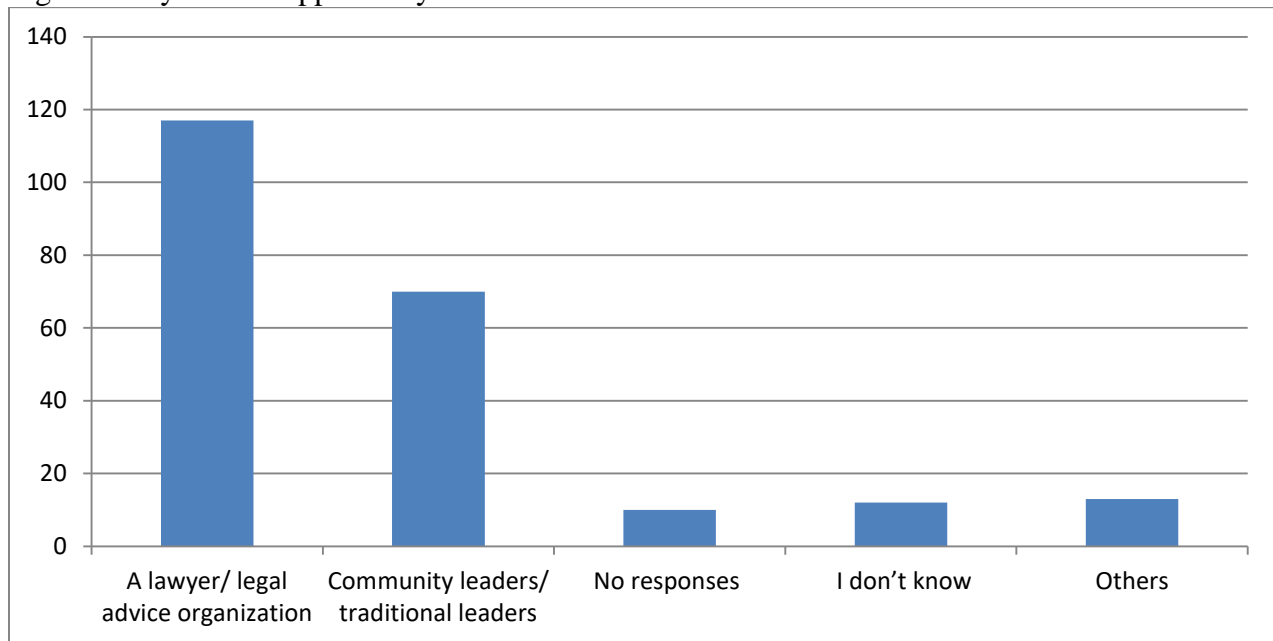
Source: Field Survey, 2015

People with perceived vulnerable land rights may be more prone to forced eviction (UN-Habitat, 2007). Therefore, the fact that more women than men paid bribe to avoid eviction could be an indication that, relative to men, more women perceive their land right as less secure.

### ***Redress Opportunities for those whose land rights have been violated***

When people's land rights are violated in anyway or have been required to make unlawful/unauthorized payment, such affected people should be entitled to a range of remedial measures. The preferred remedial of respondents are presented in the chart below.

Fig 5: Likely redress opportunity to use



Source: Field Survey, 2015

From the chart above, majority of people are likely to resort to a lawyer or a legal advice organization. This is welcoming. However, there are very limited legal advisory organizations which provide services on *pro bono* basis (GCAP Report, 2014). This means, many people who may want legal advice will have to engage the services of lawyers. Yet this is expensive, considering the average annual incomes of respondents. Therefore, in reality, many affected people will be priced out of the reach of lawyer.

The next most common avenue through which people resolve their land related contestation is through the chieftaincy setup. However, this throws up different implications for the various land users. To begin with, many respondents depend on traditional leaders for land related information which is required to demand accountability. Chiefs/traditional leaders have also been identified as the prime source of threat to people's tenure security. Despite these, chiefs/traditional leaders are still seen as prominent institution that should be involved in resolving land related disputes. This creates a situation where the person who is more likely to cause a dispute is also likely to be involved in its resolution. This is potentially a conflict of interest situation because it will be difficult to see these traditional leaders as neutral arbiter. In

effect, those whose land rights are infringed upon face real struggle in seeking justice and fair settlement.

The foregoing analysis and discussions have presented evidence that provides an overview of the various complexities involved in land ownership, access, decision making, control and dispute resolution and how issues of corruption, particularly bribery permeates almost every area. Significantly, available evidence indicates 1 in 3 actually paid bribe. Although various institutions may demand bribe, there is the situation where people on their own volition pay bribe, obviously to procure some favor. Both men and women admitted to having paid bribe. It is the driving force behind such payments which differs. Whereas women are more likely to pay bribe to prevent eviction, men are more inclined to paying bribe in order to speed up transaction or increase their perception of tenure security.

It is important to note that these are not the only situations in which corruption manifests. Various land uses and emerging developments in land such as large scale land deals, the growing rubber cultivation and land documentation processes among others all present unique cases in which corruption is highlighted. In the ensuing case studies, the report examines and discusses the various hotspots of corruption and how these yield disproportionate impact for men and women with women being the worse affected.

## **Women, Land and Corruption- Evidence from Specific Case Studies**

### **Land related corruption in Rubber Production**

Rubber is an important industry crop with growing demand on the world market. The tropical climate in Ghana favors the growing of rubber, especially in the western enclave of the country where Ahanta Mpatasie is situated. It has been predicted that rubber has the capacity to be a leading foreign exchange earner for the country (Ghana News Agency, 2010), thus a potential important driver of economic development. Popularity of rubber is fast growing across the Ahanta West District and other parts of the Western Region. People from within and outside the area are therefore increasingly acquiring land for establishing rubber farms. Indeed, several food crop and oil palm farms have been converted to rubber farms. Various reasons account for this trend. First, the price of latex (from rubber) is significantly higher than that of oil palm and other food crops. Matured rubber trees can be harvested two times in a month over a ten-month period within a year. Although the price of latex may fluctuate in line with the price on the world market, an acre of rubber farm can still yield an average amount of USD 100 on monthly basis. Furthermore, the primary buyer of the latex pays the farmers through their respective bank accounts periodically. Indeed some banks consider this regular flow of income as adequate security to guarantee a loan. All these are contributing to the recent surge in rubber cultivation around the area. Ordinarily, the surge in rubber cultivation across the Western coast of the country should have been a welcoming development. However, a closer look at this trend brings to the fore how land in the area is being put under pressure and women's land rights are increasingly being rendered vulnerable as a result. This in turn is undermining their socio-economic wellbeing and endangering household food security in the process.

There is a main rubber plantation and several out growers who have some arrangement with the main rubber investor. Under an out grower arrangement, agricultural production is carried out

according to a prior agreement in which the farmer commits to producing a given produce in a prescribed manner and the buyer commits to purchasing it (Action Aid, 2015). As of 2012, there were over 6,000 rubber out growers in the Ahanta West area (Paglietti and Sabrie, 2012) and this could be significantly more at the moment. Therefore, through the out grower transaction arrangements, the principal investors gradually accumulate land to expand their rubber production. The expansion in the number of out growers is resulting in new forms of land transactions and in the process piling additional pressures on land in the area. In order to qualify as a self-financing out grower under the existing arrangement, one needs to acquire a minimum of 10 hectares (or 24.7 acres) (GREL, 2016). Yet in the broader national context, farming is dominated by small holder farmers who tend to control less than two hectares of land, often in fragmented forms (Nin-Pratt and McBride, 2014). This means, individuals who are desirous of venturing into rubber production as self-financing out growers undertake some form of land aggregation/consolidation in order to meet the minimum threshold. Such land aggregation comes with its inherent risk of subjecting small holder farmers to market-driven displacement, landlessness and further socio-economic hardships.

The growing demand for land is reducing the available stock of land and this development is contributing to driving up land values thus making it even more attractive to those controlling land to alienate as many parcels of land as possible. In this area, land is owned by the stool with the Chief as the trustee although various individual families have their own parcels as usufructs. However, chiefs, head of families and others elders have over the years alienated land either through outright sale or long term lease to those who can pay the prevailing asking price (Owusu, 2008). This development has contributed to a significant reduction of available farm lands and is thus making it difficult for community members to access land and women are worse affected. What is further worrying is the fact that land revenue which is generated from the land allocation by traditional leaders hardly ever benefits the collective owners<sup>ii</sup>. In effect, duty bearers are using their entrusted position to pursue pathways which benefit their individual good as opposed to the collective interest. This is consistent with the definition of corruption as posited by Gbenga (2007) and (Klitgard 1998).

The sustained allocation of land in the area for rubber out growers has considerably reduced the available stock of arable land and displaced farmers have to contend with the need to diversify livelihoods. This increasing land scarcity is serving as a push factor and contributing to rural-urban migration. Women who have children are however less likely to migrate, mainly as a result of their culturally assigned role of bringing up children. Faced with little or no land, women are increasingly serving as laborers in the rubber plantations as a means of survival.

Working as a laborer on the rubber plantation however has implication for family cohesion and effective upbringing of children. Laborers work six days in a week and are transported to the plantation at 4:00am and return by 4:00pm. As a result, there is limited opportunity for mothers to monitor their children. Those with babies who are not of school-going age leave the babies in the care of nannies/caretakers who charge between USD 12.5- 17<sup>iii</sup> per child every month. This represents a massive outgoing considering the fact that laborers earn an average of USD 75 per month. The work schedule for the laborers means that effective parental control is compromised, especially for single mothers. As a result, social ills such as school abandonment and teen/pre-teen pregnancies have become rampant in this area<sup>iv</sup>. Under such situation, there is the risk that

the next generation will grow up without any skill or guaranteed access to land, a situation which will reinforce the intergenerational poverty cycle. Equally worrying is the fact that the booming rubber production in the area is posing a threat to local food security.

### **Rubber production and food (in) security in Ahanta Mpatasie**

Access to food is a fundamental human right under the International Covenant on Economic, Social and Cultural Rights (ICESCR). According to this covenant, the right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement (Alston and Quinn, 1987). According to FAO (2015), food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life. In effect, both ICESCR and FAO conceive food security primarily as one's ability to *access* food. People become food vulnerable or insecure when there are doubts about their guaranteed access to food. For rural people, food security may be attained by cultivating food crops and rearing of animals in order to be self-sufficient and self-reliant in terms of food access. Alternatively, rural people who may not be self-sufficient but have the economic resources may be able to access food in order to meet their nutritional needs. Already, a sizeable proportion of the population is facing food security challenges. An estimated 1.2 million people (4.8% of the total world population) are said to be food insecure and 1.9 million people are at risk of becoming food insecure. This means, more than 3 million people (or 12 percent of the population) do not have access to an adequate and secure source of food supply (World Food Programme, 2016). It is within this context that the move away from food to rubber in several parts of the Western Region becomes even more worrying.

When compared to other crops presently, rubber is much more economically rewarding and can provide regular stream of income throughout the year. As a result, it has been suggested by some stakeholders<sup>v</sup> that these communities which have the competitive advantage in producing rubber should be encouraged at the expense of food production. This argument, in principle, is logical. However, it must first be contextualized and subjected to further analysis in order to effectively map out its food security implications in the long run.

First, within the cultural context of Ghana, there are gender specific roles at the household with women often responsible for the provision of food (King and Bugri, 2013). This explains why in many male headed households, women are more likely to be producers of food crops whereas men often go into the cultivation of perennial cash crops (Duncan and Brant, 2004; Tsikata and Golah, 2010). Men therefore tend to have access and control over revenue from cash crops. This in a way positions men as the principal decision makers in male headed households<sup>vi</sup>. The frequent allocation of land and the conversion of existing food farms for the purpose of rubber production are creating the situation where women, who are predominantly responsible for providing food for their families, are left with no food crops. Furthermore, such women do not have much control over revenues which come from cash crops, especially in male headed households. Women are thus not self-reliant in meeting their food needs; neither do they have adequate control over revenues from rubber to purchase food. This state of affairs is escalating the level of food vulnerability across the area.

### **Corruption and women's land rights vulnerabilities in the peri-urban area of Savelugu**

Urbanization is rife in Ghana. An estimated 53 percent of the population lives in urban areas and this is rising by 3.5% annually (National Development Planning Commission, 2015). The Tamale Metropolitan Area has witnessed phenomenal urbanisation over the past few decades: a population increase of 116% between 1984 and 2000, and a spatial expansion of 137% between 1989 and 2005 reflect it (Fuseini, 2014). Savelugu-Nanton is about 15km away from Tamale, the regional capital and Central business district and rapid rates of population growth and urbanisation have thus been felt in this area. In Savelugu, the research explored how rapid urbanisation is redefining landholding dynamics in the area. Peri-urban and inner city agriculture is an integral economic activity in this part of the country. In terms of the inheritance patterns, the patrilineal mode of inheritance is what is practiced in this area.

Urbanisation and agricultural lands are in close competition since urbanisation in Ghana largely occurs through sprawling unto the peri-urban interface (Yeboah and Shaw, 2013). This means land in the urban periphery is in constant demand by people who are seeking to develop properties. There is therefore land use transition with agricultural lands giving way to property development. Ordinarily, granting out land by custodians for property development should not be a worrying development.

Many women depend on farming in the peri-urban interface to produce food to meet the needs of their families. Yet their control over such land is very weak (Duncan and Brant, 2004; King and Bugri, 2013), especially in patrilineal setups. This is largely because the basis of their land access is essentially 'an oral permission to use' the land. It is not backed by any documentary evidence in many instances<sup>vii</sup> and this makes peri-urban farmers more prone to arbitrary displacement in times of rising land values<sup>viii</sup>.

Many women prefer to farm within the urban periphery because it is easier to convey one's produce to the urban centre for sale. This creates the situation where several of those who are displaced tend to be largely women. The displaced farmers, mainly women cultivating food crops and vegetables for consumption and sale, are big losers in times of displacement. When one is displaced, it takes considerable effort and cost to access a new parcel of land, plough, harrow and undertake some site preparation works. Furthermore, displaced women are now forced to work on even smaller farm plot sizes and these results in intensive use, rapid depletion of soil quality and the need for fertilizers and other means to sustain soil fertility. In the current context of increasing land pressures, displaced farmers have to contend with the possibility of travelling to farther distances in search of suitable land for farming purposes. One woman who has already had to deal with such development recounted her experience during an interview:

*'On three occasions, I have had to lose the land which I was farming on because it was sold to some rich people to build houses by the [local] chief... The only land which was available to me was in Dungen [about 3km from Savelugu]. Now I am spending a lot of time walking to the farm.... At times you arrive at the farm already tired'*

In contexts where power imbalance makes it difficult for communities to demand downward social accountability, chiefs and other traditional authorities are taking advantage of the rapid wave of urbanization to maximize financial gains simply by allocating agricultural land for property development. The fact that this is done outside the scope of the prescribed legal approach, where planning and such allocations should be undertaken or supervised by local



planning authorities, represents abuse of process which in itself is corruption. Worse still, the sub-division and subsequent allocation of land to developers are carried out with little or no involvement of the broader community. In such contexts, there is little opportunity to demand transparency and accountability in the use of the revenue from the land sales. Chiefs and local elite in effect become the principal beneficiaries of the land sales. With this as an intrinsic motivation, chiefs and other entrusted agents of customary land continue to unilaterally convert peri-urban lands and in the process displace men and women, particularly women, which in turn undermine their livelihoods.

### **Agriculture Related Corruption and Implications for women**

Agriculture is an important component of Ghana's socio-economic make despite the fact that it remains largely peasantry. Women constitute a significant source of labor. However, existing cultural issues tend to weaken their land rights and in the process make them prone to corruption in their quest to be involved in agriculture. For example the distribution of state subsidized farming inputs in many contexts is laced with corruption. And considering the fact that decision making on productive asset is largely male dominated means, women have traditionally lost out during the implementation of such interventions and this has adverse implication for women's agricultural productivity (Yang et al, 2015). Furthermore, corruption in the granting of large land leases have had enormous implication for the land rights of many with that of women often been in a precarious state (King and Bugri, 2013). What has not received much attention is the nature of corrupt practices which are associated with accessing farming implements such as tractors and how women are exposed in the process.

In the northern part of the country where there is some level of mechanized farming, access to tractor services is critical. Tractors are needed to plough, harrow and undertake other site preparation activities prior to planting. Farmers access tractor services through two main approaches. First, there are some families which have their own. Secondly, there are agri-service providers who often plough and support farmers with farming inputs for a fee<sup>ix</sup>. Accessing tractor services through either pathway is gendered, with women being disadvantaged.

The dominantly patriarchal socio-cultural set up in the north means, family tractors are under the care and control of men. Also, the operation of tractors is almost an exclusive activity by men. Although family tractors are expected to provide service to each member of the family, these conditions mean in many cases, men tend to access tractor services before women<sup>xi</sup>. This is not surprising because the control, operation and the ability to make decisions about a productive asset such as a tractor rest entirely in the male realm (Dittoh, Snyder and Lefore, 2015).

Families which do not have their own tractors rely on commercial agricultural service providers. It must be noted that women have traditionally held smaller farms as compared to men (Duncan and Brant, 2004; King and Bugri, 2013). Commercial Agricultural service providers are profit oriented. Therefore, they tend to prioritize offering services to relatively larger farmlands which tend to be more profitable. This effectively translates to plowing male farmlands ahead of women. Women will have to be 'nice'<sup>xii</sup> to service operators in some instances in order to have their plots ploughed timely. What is 'nice' was not clearly defined although it may include preparing a good meal for the tractor operator and in some instances, sexual favors<sup>xiii</sup>.

Significantly, any exchange of favors in any nature which is aimed at facilitating one's access to such services amount to a form of corruption.

Ordinarily, plowing farmlands of men ahead of women should not raise much concern. However, when this is examined within the context of changing climatic trends, the impact from this gendered access to tractor services becomes more apparent. The impact of climate change can be felt nationwide but the northern parts of the country are more vulnerable (Fuseini, 2014). As a result, it is increasingly becoming difficult to predict the onset of rains with any degree of certainty. Farmers therefore prepare their fields ahead of time in anticipation of rain. As women tend to be the last to plough their land, they are at a greater risk of missing the rainfall which enables farmers to plant their crops. This in effect exposes more women than men to the harsh vulnerabilities of climate change.

### **Tamale Airport Upgrade and Tenure Vulnerabilities**

Another source of tenure vulnerability is the Government's decision to upgrade the Tamale Airport to International status<sup>2</sup>. This is already piling additional pressures on land in the area with women rights increasingly been rendered vulnerable. As part of the Airport upgrading project, the state through its compulsory acquisition powers has acquired 8,000 acres of land. Communities whose lands have been acquired for the airport expansion include Savelugu Nanton Municipal, the Kunbungu and Sagnarigu Districts and part of the Tamale Metropolitan Area. Compulsory acquisition of land naturally displaces people and reduces the available stock of land and in the process increases competition for land access.

Beyond these, the decision to upgrade the airport is raising land access and tenure security issues. First, there have been significant wave of speculative land acquisition by investors who are seeking to take advantage of the anticipated rise in land values. Like the case of urbanization, the surge in land speculation is resulting in market driven displacement of farmers in Savelugu and other neighboring communities. Yet again, traditional leaders have taken advantage of the recent rush in the demand for land to 'sell' as much land as possible with the sole motive to maximize monetary gains from land; gains which are not necessarily used for the collective good of the community. As the main users of peri-urban lands, women are being further squeezed and women represent the actual losers under this situation.

### **Compulsory Acquisition and the Gendered Aspects of Compensation Payment**

Article 20 of the 1992 Constitutions empowers the state to compulsorily acquire any land which is needed in the interest of the public. However, this right of the state comes with the responsibility to pay prompt, fair and adequate compensation (Article 20:2a). Although compensation for the land acquired for the Tamale Airport project has not been paid yet, plans are underway to do so. Over the years, the payment of compensation by the government has proved to be problematic, gender insensitivity and largely unresponsive to prevailing circumstance. This creates the situation where the state reinforces existing culture-induced gender biases and imbalance power relations. The state inadvertently tends to offer protection to

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<sup>2</sup> <http://www.graphic.com.gh/news/general-news/46069-tamale-airport-project-to-be-completed-in-december.html>

the more powerful in the society to the detriment of the more marginalized and vulnerable category of people.

When land is compulsorily acquired, two categories of compensations are paid- compensation for improvement such as crops or buildings and compensation for the land *per se* or the actual land acquired. The payment of compensation for improvements is often simple - the active farmer or individual is identified and paid accordingly. It is however a somehow complex with the payment of compensation for the land *per se*. The state pays the lump sum of the value to the appropriate stool or skin<sup>3</sup>. The occupant of the stool or skin is then expected to fairly and equitably pay members of the community whose lands have been expropriated. Significantly, the occupant of the stool or the skin almost in all instances is a male, thus making the payment of compensation gendered. The only time the state directly pays an individual for the land taken is when one can proof ownership of the subject parcel of land either through a registered lease document or a land title certificate.

Lease documentation and Land Title Registration are technical processes which are expensive and time consuming. Considering the fact that in the patrilineal context of Savelugu, women tend to have use right of land and not actual ownership<sup>4</sup>, it is practically impossible for women to have such documentations in their own capacity with respect to land they have acquired through customary male relations<sup>5</sup>. Women are thus less likely to make claims in their own capacity with respect to the land *per se*. This means with the compulsory acquisition for the airport, women will only be paid compensation for affected crops. Considering that women traditionally control smaller farms which are primarily used for food production<sup>6</sup>, it is fair to anticipate that compensation which will be obtained as a result of the affected crops will only be marginal. By paying lump sum compensation of the land acquired to the chief and traditional authorities without paying attention to the existing imbalance power relations and weak women's voice and standing with regards to land, the state is implicitly contributing to perpetuate inequality against women.

### **Reflections and Recommendations**

When land is collectively owned as is the case in many areas across the country, duty bearers are expected to act as trustees who should work to safeguard the interest of all. When such duty bearers redefine their roles and pursue their parochial interests at the expense of the entire group,

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<sup>3</sup> Interview with official of Lands Commission, Tamale, 28/10/15. This was further confirmed by official from the Lands Commission in Takoradi, 5/11/15. The author has also had experience with this arrangement

<sup>4</sup> Interview with the Regional Gender Officer, Tamale date, Gender and Social Development Officer, Savelugu and Official of the Lands Commission Tamale 28/10/15

<sup>5</sup> If the land was acquired through the local land market by paying the asking price of the land, then the woman can have the documentation in her name

<sup>6</sup> This well known fact was further confirmed by the Regional Monitoring and Evaluation Officer of the Agricultural Extension Services Division, MoFA, 31/10/15

it represents abuse of power and this is corruption. Both customary and statutory law frowns on land related corruption and perpetrators should be liable for sanctions. As the eloquent Kenyan anti-corruption campaigner, Prof Lumumba, has rightly observed, ‘those who engage in corruption love it...even though the corrupt themselves admit it is a bad thing’ (Lumumba, 2015). Therefore, tackling the issue of corruption in land requires concerted effort and empowerment of people to serve as gate keepers at all levels of the community. Statutory law such as Head of Family (Accountability) Law, 1985, reinforces the trust arrangement which should guide traditional leaders and their subjects with respect to land. Enforcing legal provisions can prevent the situation where duty bearers leverage land for their private benefits. A recent case in Adomfe, a farming community in Ashanti Region, is illustrative. Here, the chief and other customary leaders failed to use revenues from collectively owned resources for the common good of the people. In response, the youth in the area sued the traditional council at the High Court in Kumasi as part of means to ensure transparency, accountability and prevent corruption. The case, *Suit No C12/205/14 involved Addai Nketiah (suing for and on behalf of the youth in Adomfe, Ashanti Region) versus Water and Sanitation Committee and Nana Adomfe Agyei II*. Ultimately, this action resulted in the publishing of statement of accounts as well as transfer of funds which were held by the chief to the community. Perhaps more importantly, the indiscriminate sale of land which resulted in landlessness of the community members has reduced considerably. This means enforcing both customary and statutory provisions can significantly minimize the incidence of corruption.

For those who are affected by land related corruption to effectively enforce their rights, there is the need for adequate legal awareness and empowerment. In this regard, both state actors and civil society players have a role to play. The concept of Mobile Land Administration Clinics for example can expedite such empowerment campaigns. A Mobile Land Administration Clinic is expected to comprise of people with expert knowledge in land administration, law and dispute resolution who will visit communities in order to listen and provide expert advice on a range of land related corruption activities in the area. This could have the dual impact of resolving disputes and legally empowering the community.

Rubber has the economic potential to meaningfully drive economic development in Ghana. However, there is the need to counterbalance this in order to avoid landlessness, displacement and food insecurity. A clear policy direction is required to counterbalance possible gains and imminent threats which are associated with the surge in rubber production in order to mitigate the increasing spate of landlessness and food insecurity, particularly for female headed households.

## **Conclusion**

Corruption in any form is bad for development. It is a hydra-headed canker which requires a multi-faceted approach in tackling it. Land related corruption in agrarian countries as evidence from the study has shown it tends to have far reaching implications for inclusive development and shared prosperity with women being disproportionately affected. This calls for action and this study has examined the issues through a feminist lens. Evidence from this study indicates that, despite its associated complexities, land related corruption can be addressed when victims are adequately empowered to demand downward social accountability. Beyond this, clear policies which offer safeguards, checks and balances in land management, especially in the

contexts of urbanization, expansion in rubber production and long term leasing of large parcels of land could all help to provide an enabling environment to curb land related corruption. Unless these issues are prioritized, women land rights will continuously be undermined, food security will be threatened and Ghana's quest to achieve gender equality under the sustainable development goals will remain largely elusive.

## End Notes

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i Interview with Secretary of the Rubber Out growers Association, Ahanta Mpatasie, 6/11/15

ii Interview with the Deputy Officer of the Ministry of Food and Agriculture, Ahanta West on 5/11/15 and Confirmed during focus group discussions with women in Ahanta Mpatasie on 6/11/15. Other interviewees confirmed this state of affairs

iii The Ghanaian Currency is the Cedi (¢). The exchange rate between the Cedi and the US Dollars has been fluctuating in recent times. However an average rate of USD 1 : GH¢ 4 is adopted for analysis and discussions in this paper

iv During the time of the research, the investigators spent weeks in this community and personally observed several cases of teenage pregnancies. This issue was topical in all interviews which were held with stakeholders as were as during focus group discussions with women

v Interview with the District Chief Executive, 5/11/15 This view is shared by the Regent chief as well as the Corporate Affairs Desk Officer of Tullow who doubles as Opinion Leader in the area. These people were also interviewed on 5/11/15

vi Focus Group Discussion with Women farmers in Ahanta Mpatasie, 6/11/15

vii Interview with Regional Gender Officer, Tamale, 29/10/15

Such documents to back ownership claims usually include Allocation Note, Lease Document and Land Title Certificate.

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viii Interview with Deputy Regional Head, Public and Vested Land Management Division, Lands Commission, Tamale, 28/10/15. Similar sentiments were expressed by focus group discussion with women farmers in both Savelugu, 29/10/15

ix Interview with Executive Director, Grassroot Sisterhood Foundation, Tamale 30/10/15 and Executive Director, Northern Accelerated Intervention for Development, Tamale 30/10/15

x Focus Group Discussion with Women farmers in Savelugu, 30/10/15

xi This issue was first raised during a focus group discussion with women. Upon triangulating from other stakeholders such as Ministry of Food and Agriculture, Farmer Based Organizations and Head of Families, it was confirmed that men are indeed more likely to access family tractors before women

xii Focus Group Discussion with Women farmers in Savelugu, 30/10/15

xiii Focus Group Discussion with Women farmers in Savelugu, 30/10/15

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