

Agricultural Science

Year 1

SECTION

7

TYPES OF LAND TENURE SYSTEMS AND THEIR EFFECTS ON FOOD PRODUCTION



Mobilisation of Resources and Networks

Land Tenure Systems For Agriculture

INTRODUCTION

Hello Learner! Welcome to Section 7. In this section, you will be looking at the types of land tenure systems and their effects on food production. Land acquisition and ownership have been a major problem for agricultural production in Ghana, especially in the peri-urban areas where the demand, particularly for agricultural land, has been quite high. Hence any available land is offered at exorbitant prices and may also be subject to multiple sales. Young potential farmers like you should, therefore, be knowledgeable about the various types of land tenure systems before embarking on any agricultural venture, be it on a small or large scale. This section explains the various types of land tenure systems and the inherent disadvantages or challenges thus helping young farmers know what will be in their best interests.

At the end of this section, you will be able to:

- Describe various types of Customary and Statutory Land Tenure Systems.
- Determine the Major Challenges in Customary and Statutory Land Tenure Systems

Key Ideas

- **Land tenure system:** This is described as the system of rights and obligations governing the acquisition, holding and disposal of lands by law or convention.
- **Customary land tenure system:** This refers to a traditional form of land ownership and management that is deeply rooted in the customs (cultural norms), beliefs, practices and unwritten laws of a specific community or indigenous group, passed down through generations.
- **Statutory land tenure system:** This land tenure system is based on legally established laws and regulations implemented by the government or state authority.
- **Leasehold system:** In this land tenure system, individuals or entities hold the right to use and occupy the land for a specified period, typically through a lease agreement with the landowner or government.
- **Land tenure by inheritance:** This refers to the system where land ownership or rights are passed down from one generation to the next through inheritance, often based on customary or traditional practices.

TYPES OF CUSTOMARY AND STATUTORY LAND TENURE SYSTEMS IN GHANA

Land tenure is described as the system of rights and obligations governing the acquisition, holding and disposal of lands by law or convention.

Types of Land Tenure Systems

Customary/traditional/communal land tenure

It refers to a traditional form of land ownership and management that is deeply rooted in the customs (cultural norms), beliefs, practices and unwritten laws of a specific community or indigenous group, passed down through generations. Under this system, land is not regarded as a negotiable possession. Such systems exist where land is plentiful and has little or no monetary value.

1. **Ownership and Control:** Land is often owned collectively by the community or a specific clan. Individual members of the community have customary rights to use the land for agricultural purposes or housing. These rights are typically not formalised through legal documentation.
2. **Transfer and Inheritance:** Inheritance and transfer of land usually follow customary rules, where land is passed down to the succeeding generations within the community or clan.
3. **Land management under the traditional tenure system:** Traditional leaders or elders play a significant role in managing and resolving land-related disputes within the community.

Summary of characteristics of communal land tenure system

- a. Land is owned by the entire community or belongs to family members.
- b. Sale of land is rare as it is usually not permitted.
- c. The procedure for a non-member or stranger to a community to acquire such lands is frustrating and time-consuming.
- d. Land under the traditional tenure system cannot be used as collateral security, for example, to obtain loans from financial institutions
- e. The customs and beliefs in the community may affect the use of these lands. For example, taboos and belief systems associated with the communal system may affect its use for modern agricultural purposes.

Statutory land tenure system

This land tenure system is based on legally established laws and regulations implemented by the government or state authority. It involves the formal recognition of individual or institutional land ownership, with defined property rights and legally enforceable land-use agreements and land is treated as private property with clear ownership titles.

1. **Ownership and control:** Under statutory systems, land can be privately owned by individuals, corporations or the state. Ownership is usually formalised through legal titles and land registration.
2. **Transfer and inheritance:** Land transactions and transfers are recorded and legally recognised. Ownership can be transferred through sale, lease or inheritance, following the legal procedures prescribed by the government.
3. **Management of the land:** Statutory land tenure systems are often managed by government agencies responsible for land administration and registration.

Summary of characteristics of statutory land tenure system.

- a. Land is owned by an individual who has acquired it through purchase or inheritance.
- b. Sale of land is common if an individual owner prefers to do that.
- c. Land can be sold to any individual irrespective of their background.
- d. Such land can be used as collateral to obtain a loan.
- e. Statutorily acquired lands can be used for any agricultural project.

Freehold title system / Individual land tenure system

The Freehold land tenure system grants the holder absolute ownership rights over the land, without any time limitation or obligations to the state or other entities. This type of land tenure system gives nearly complete ownership of land and its resources to a new person to use for a specified period. Absolute title can be passed over from the owner to his/her heirs.

1. **Ownership and control:** The landowner has complete control and may, subject to compliance with relevant laws, use, sell or transfer the land without restrictions.
2. **Transfer and inheritance:** The land can be transferred to or inherited by the landowner's choice, following legal procedures.

Summary of Characteristics of the Freehold Land Tenure System

- a. Land can be purchased outright from the original owners.
- b. Land may also be given out as a gift by land-owning communities, especially in areas where the demand for land is not very great.

- c. Chiefs and elders of a community may also give out land on a long-term arrangement to either government or individuals for specific agricultural or other development projects e.g. the establishment of forest reserves by the government in a particular community.
- d. Legally acquired freehold lands are very secure.
- e. The freedom associated with freehold titles may lead to abuse of such lands with unauthorised projects.

Leasehold tenure system

In this land tenure system, individuals or entities hold the right to use and occupy the land for a specified period, typically through a lease agreement with the landowner or government.

1. **Ownership and control:** The land remains the property of the leaser (landowner or government), while the lessee has rights to use and or exploit the land within the terms of the lease.
2. **Transfer and inheritance:** Leasehold rights can be transferred or inherited based on the terms stipulated in the lease agreement or applicable laws.

Summary of characteristics of leasehold land tenure system:

- a. Land is acquired for use over a fixed/stated period or under agreed specified conditions.
- b. The period is usually more than 25 years, but it is possible to have a shorter lease period e.g. 1-5 years during which an annual fee or rent may be paid.
- c. The agreement may or may not be renewed when the period of the lease contract lapses.
- d. Certain rent or fees are paid for the stated period.
- e. The lessee cannot use the land as collateral security.
- f. The lessee cannot develop land beyond the lease agreement terms.
- g. The leaser has the legitimate right to take back the land if the lessee fails to use the land at all or fails to use it for the agreed project.
- h. Depending on the lease period, long-term investment may be done on such lands.
- i. The rent paid on leased land is usually dependent on the location of the land, the owner of the land, the purpose for leasing and the number of years to be leased out.

I hope you enjoyed studying the content on the types of customary and statutory land tenure systems in Ghana. Now, continue to do the activity below.

Activity 7.1

Search online for the various types of land tenure systems, the advantages and disadvantages of the various types of land tenure systems and their impacts on food production and discuss with your friends. Present your findings to the whole class.

To be able to achieve activity 1, follow the steps below.

Steps:

- a. Search online.
- b. Type “various types of land tenure systems” in the browser and hit on the enter key. Wait for it to open and read carefully. Discuss with your friends and write down relevant notes.
- c. Type “the advantages and disadvantages of the types of land tenure systems and their impacts on food production” in the browser and hit the enter key. Wait for it to open and read carefully. Discuss with your friends and write down relevant notes.
- d. Present your findings to the whole class.

MAJOR CHALLENGES IN CUSTOMARY AND STATUTORY LAND TENURE SYSTEMS

Both customary and statutory land tenure systems of land acquisition have their peculiar limitations. The major challenges inherent in the two types of land tenure systems are explained below.

Challenges in Customary Land Tenure Systems

1. **No formal documentation:** Customary land tenure is often based on verbal and unwritten narrations, handed down by older generations and, therefore not supported or covered by a written or formal document. This results in disputes over land boundaries and ownership, with time.
2. **Insecure land rights:** Due to the lack of formal documentation and legal recognition, customary land tenure systems usually lead to insecure land rights for individuals and communities. This results in conflicts and displacement through land grabbing and encroachment by more powerful individuals.
3. **Gender inequality:** In many customary systems, women often face discrimination in land ownership and inheritance, leading to limited or no access to land ownership and control. Such discrimination perpetuates gender disparities in rural communities that limit women’s economic empowerment in agriculture and related activities.

4. **Limited access to credit and investments:** Without formal land titles, individuals may find it challenging to access credit or invest in agricultural activities.
5. **Forced evictions and the loss of ancestral lands for modernisation and urbanisation:** Rapid urbanisation and infrastructure development can put pressure on customary lands, leading to the loss of agricultural land for other purposes.
6. **Inadequate compensation for customary lands taken for development projects:** Customary land can be subject to government-led land acquisition for developmental projects, often without the consent of affected communities. Hence land owners get poor compensation.
7. **Environmental degradation:** The absence of clear land ownership rights in customary systems can contribute to environmental degradation, as land is exploited without proper management and conservation practices.

Challenges in Statutory Land Tenure Systems

1. **Land concentration:** In statutory systems, private ownership can lead to land concentration in the hands of a few individuals, resulting in landlessness and inequality among rural populations.
2. **Land disputes and overlapping claims:** Statutory land tenure systems may not always have clear and accurate land records, leading to disputes over land boundaries and conflicting claims to ownership.
3. **Land speculation and land grabs:** Weak land governance and regulations in statutory systems especially in areas of high land demand can lead to land grabbing and speculative practices by powerful individuals or corporations, resulting in the displacement of local communities.
4. **Lack of fairness and transparency of land transactions:** Corruption within land administration agencies can undermine easy land entitlement, making it difficult for ordinary citizens to access land and property rights.
5. **Inefficiencies in land administration:** Inadequate legal frameworks or weak land governance and unclear land laws can lead to corruption in land administration, affecting land tenure security.
6. **High administrative costs:** The process of land registration and obtaining formal titles can be complex, time-consuming, and expensive for individuals, especially in rural communities.
7. **Overlapping jurisdiction:** In some cases, statutory land tenure systems may overlap with customary systems, leading to confusion and conflicting land claims.
8. **Poor land management practices:** Poor land management practices and rapid land use changes, often associated with individual ownership, can lead to land degradation and environmental challenges.

Disadvantages of a Communal System of Land Tenure

1. Land can never be used as security to obtain loans from financial institutions.
2. Members can only be allotted a small area of the land to farm causing excessive land fragmentation, resulting in several small land holdings, unsuitable for large-scale production.
3. Land owners generally feel that it is immoral to sell land since it robs future generations of the opportunity to inherit it.
4. Cultivation of cash crops or permanent tree crops is difficult and at times prohibited.
5. Land is rarely improved since there is no sense of security for its use.
6. Taboos and belief systems associated with the communal system may affect its use for modern agricultural purposes.
7. Mortgage in the traditional system could lead to litigation, especially when the agreement is made without representation from certain lineages of the family.

Disadvantages of Leasehold System for Short Leases and Where Annual Rents are Paid

1. The leaseholder might be restricted by the terms of the contract from growing certain crops e.g. tree crops.
2. In some areas, land acquisition may be expensive, and rents may be too high beyond the ability of many young or rural farmers.
3. Such lands cannot be used for collateral security.

Disadvantages of Land Tenure by Inheritance

1. Land tenure by inheritance is characterised by excessive land fragmentation, as family and clan sizes increase.
2. Sharing land often generates bitter enmity among family members.
3. Individual rights to parcels of land are sometimes difficult to determine.
4. Land can remain unused over a long period under fallow as that piece of land remains the property of whoever made it fallow.
5. Although the sale of land is possible, the sale of inherited land must have the consent of every member of the family.
6. Owners of inherited lands feel it is immoral to sell land since it robs future generations of the opportunity of land acquisition.

Congratulations, once again! Now that you have studied the major challenges in customary and statutory land tenure systems, do the following activities below.

Activity 7.2

Search online for “the main challenges in the various land tenure systems”, and “the disadvantages faced in land tenure systems”. Discuss with your friends or friends. Present your findings to the whole class.

To be able to achieve activity 7.2, follow the steps below.

Steps:

- a. Search online.
- b. Type “main challenges in the various land tenure systems” in the browser and hit the enter key. Wait for it to open and read carefully. Discuss with your friends and write down relevant notes.
- c. Again, type “the disadvantages faced in land tenure systems” in the browser and hit the enter key. Wait for it to open and read carefully. Discuss with your friends and write down relevant notes.
- d. Present your findings to the whole class.

Project Work

Form a small group to interview the elders of your community to understand the different land tenure systems in your local community. Explore the challenges in land acquisition and tenure.

Follow the steps below to complete the project work:

1. Form a small group.
2. Conduct interviews with the elders of your community on land tenure systems in your community and their challenges.

Questions could include:

- a. What are the different types of land tenure systems in this community?
- b. What effect do these systems have on individuals and families?
- c. What challenges arise from these land tenure systems?
- d. How do community members address these challenges?
3. Take notes or record the conversation with audio (please ask permission).
4. Analyse the collected data to identify patterns, themes, and challenges.
5. Prepare a presentation to share your results with the class.

REVIEW QUESTIONS

1. Explain the importance of land acquisition to food crop production.
2. Compare the customary land tenure system with the statutory land tenure system.
3. Evaluate the potential impacts of implementing a statutory land tenure system in a region with diverse customary practices.
4. Explain the disadvantages of communal land tenure systems.
5. Analyse the impact of insecure land rights on communities dominated by customary land tenure systems.

EXTENDED READING

- Amoah E. (2019): General Agriculture for Senior High Schools “Exotic series.
- Lands Commission website <https://www.lc.gov.gh/services/registration-title/>

REFERENCES

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2. Land Acquisition Processes in Ghana, June 17, 2020, Ghana Investment Promotion Centre, info@gipc.gov.gh
3. Transparency International - The global coalition against corruption, Ghana integrity initiative, Local chapter of transparency international, General procedures in acquiring land.

Acknowledgements



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