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Annex 9: USAID – Ghana Cocoa Land Tenure Report

ASSESSMENT OF LAND TENURE-RELATED CONSTRAINTS TO COCOA PRODUCTIVITY IN GHANA

MAY 2015

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Assessment of Land Tenure-Related Constraints to Cocoa Productivity in Ghana

MAY 2015

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CONTENTS

ACRONYMS AND ABBREVIATIONS

ACI	African Cocoa Initiative
CHED	Cocoa Health And Extension Division
CICOL	Coalition On Land
CIDA	Canadian International Development Agency
CLP	Cocoa Livelihoods Program
CLS	Customary Land Secretariat
CMC	Cocoa Marketing Company
Cocobod	Ghana Cocoa Board
COLANDEF	Community Land And Development Foundation
CRIG	Cocoa Research Institute Of Ghana
CSDS II	Cocoa Sector Development Strategy II
CSO	Civil Society Organization
CSSVD	Cocoa Swollen Shoot Virus Disease
DfID	Department For International Development
GCAP	Ghana Commercial Agriculture Project
GIZ	Deutsche Gesellschaft Für Internationale Zusammenarbeit
GoG	Government Of Ghana
IDH	Dutch Sustainable Trade Initiative
ILC	International Land Coalition
KFW	German Reconstruction Credit Institute
LAP	Land Administration Project
LBC	Licensed Buying Companies
LRMC	Land Resource Management Centre

MT	Metric Tons
NRS	National Redd+ Secretariat
OASL	Office of the Administrator Of Stool Lands
REDD+	Reduced Emission from Deforestation and Degradation
SPU	Seed Production Unit
WCF	World Cocoa Foundation

EXECUTIVE SUMMARY

Between April 11 and April 23, a Team (the "Team") consisting of two members of USAID's Land Tenure and Resource Management Office, Stephen Brooks and Yuliya Neyman, a member of the World Cocoa Foundation (WCF), Takyi Sraha, and a member of the Ghana Cocoa Board's (Cocobod) Cocoa Research Institute of Ghana (CRIG), Mercy Asamoah, conducted a joint assessment of the land tenure-related constraints in Ghana's cocoa sector. The purpose of the assessment was to determine the relationship between land tenure security among Ghana's cocoa farmers, and overall cocoa productivity; the particular land tenure constraints relevant to the cocoa sector; and possible interventions to improve tenure security for cocoa farmers.

The Team's visit consisted of five days of meetings in Accra, as well as four days of field visits in Ghana's Eastern, Western and Ashanti regions. In Accra, the Team met with several stakeholders, including the Government of Ghana's (GoG) Administrator of Stool Lands (OASL), Lands Commission, CRIG, and Forestry Commission. The Team also met with donor projects, civil society organizations (CSOs) and research institutions, including: the World Bank's Land Administration Project (LAP), the World Bank/USAID Ghana Commercial Agriculture Project (GCAP), IFPRI, Community Land and Development Foundation (COLANDEF), Rainforest Alliance, Conservation Alliance, IITA, Cocoa Abrabopa Association, the Coalition on Land (CICOL), Land Seal, and the Nature Conservancy Research Center. During field visits, the Team met with a Regional and District OASL officials in Eastern and Ashanti Regions, community farmer groups, and CSOs including the Land Resource Management Centre (LRMC), in Kumasi.

The Team's findings indicate a strong correlation between insecure land tenure arrangements (particularly between landowners and tenant farmers) and reduced farm productivity, specifically related to limited long-term on-farm investments and the uptake of sustainable agroforestry methods. As a threshold observation, the Team found that land tenure arrangements are context and locality-specific, and are changing quickly as pressures on land increase. More specifically, the Team found that sharecroppers and tenant farmers have significantly less tenure security than landowners, with *Abusa* and caretaker groups holding the least secure agreements of all groups. Furthermore, sharecropping arrangements are almost never documented in writing. This practice is underpinned by a general lack of education about, and understanding of, secure land tenure arrangements at the community level.

Additionally, many farmlands are not mapped, and most farmers do not have a clear understanding of the size of their farm. This situation makes it difficult for Stools to ascertain the correct amount of land to tax, and increases the potential for farmers to miscalculate appropriate input amounts (e.g., fertilizer, pesticides, fungicides, etc.). Although cocoa companies, CSOs and government agencies have collectively mapped thousands of cocoa farms, existing mapping efforts are not linked to each other within a single database or through a specified standard, further complicating land administration activities as well as contributing to the inefficiency of government- and private sector-sponsored input distribution programs. Lastly, many customary land institutions (particularly Customary Land Secretariats set up under LAP) appear to be controlled by traditional leaders, instead of through multi-stakeholder groups,

contributing to the increased vulnerability of local land administration processes to local political dynamics.

Based on these findings, the Team recommends a phased intervention that (1) provides a comprehensive baseline understanding of the dynamics surrounding land tenure in the cocoa sector, and (2) targets surgical interventions that can most effectively improve situational tenure security with limited resources. For example, within the first phase, the Team suggests that Cocobod be supported to expand its land tenure baseline survey from the 350 participants currently completed to the 2,000 originally envisioned. The Team also recommends the consolidation of data already mapped by the private sector, CSOs, and government, onto a single map. It is recommended that the second phase concentrate on expanding the documentation of landowner-tenant contracts through a simple, flexible contract template, and bolster this intervention by educating both farmers and landowners on the benefits of documenting tenancy arrangements. This could be paired with further capacitating the Customary Land Secretariat (CLS)/Land Management Committees to administer this training, and also to hold copies of the contracts, and ultimately capacitate CLS' to actually register the tenancy interests.

1.0 BACKGROUND

Cocoa production is fundamental to Ghana's economy and has long played a crucial role in its economic development. Cocoa is Ghana's most important agricultural export crop and provides the third largest source of export earnings (accounting for more than 9% of agricultural GDP). The cocoa sector remains an important source of rural employment with approximately 800,000 farm families involved in cocoa production.[1]

Ghana is presently the world's second highest producer of cocoa beans, after the Ivory Coast, with total annual output of around 800,000 metric tons (MT). Ghana is noted for the high quality and flavor of its beans, and is rewarded with premium prices on international markets. This flavor characteristic is attributed to the nature of production and technical support provided by the GoG through the Ghana Cocoa Board to cocoa farmers.

Cocobod is a statutory public board set up by the government to regulate the cocoa industry in Ghana. It is the central administrative body with subsidiaries concerned with the various operation and servicing aspects of the cocoa industry in the country. Among its several functions, Cocobod sets the farmgate price for cocoa purchase (which is adjusted annually based on the export market price of cocoa), issues licenses to and regulates Licensed Buying Companies (LBCs) who purchase from farmers on behalf of Cocobod. Despite heavy state control over the cocoa sector, private companies are increasingly involved in the cocoa supply chain: there are currently approximately 35 LBCs registered with Cocobod.[2] External marketing of cocoa is the sole prerogative of Cocoa Marketing Company (CMC), a subsidiary of Cocobod that exports cocoa and also sells cocoa to local processors. Approximately 80% of global cocoa traders active in the Ghana market are members of the WCF, an international membership organization of more than 100 companies in the cocoa value chain.

Ghana's total annual cocoa production and exports have roughly doubled over the past decade, with national production leveling off at about 800,000 metric tons per annum. This success is largely attributed to national economic reforms and investments by the GoG through programs focused on the control of cocoa swollen shoot virus disease (CSSVD); supply of hybrid seedlings to famers; mass spraying of cocoa farms to control pathogens; and the HI-Tech program to provide fertilizer to farmers.

GoG aims to raise national production output to an average of 1 million tons of cocoa annually through improved farming methods and increased incentives.[3] However, Ghana's estimated average cocoa yield of 400 kg per hectare of cocoa still trails that of other cocoa producing nations, such as Cote d'Ivoire (estimated at 1.4 tonnes per hectare) and Indonesia (estimated at 1 tonne per hectare).[4] This trend is particularly problematic because demand for cocoa is outgrowing the annual supply.[5]

1 Cocobod; World Bank, Supply Chain Risk Assessment: Cocoa in Ghana, 2011.
2 Ghana Cocoa Board Annual Report 2012.
3 Reuters, Ghana signs $1.2 bln Cocoa Loan for 2013/14 Crop Purchases, September 20, 2013.
4 World Bank, Supply Chain Risk Assessment: Cocoa in Ghana, 2011.
5 World Bank, Strategic Planning Exercise for Ghana Cocoa Sector report from World Bank-Cocobod Scoping Mission, Mach 31, 2014.

As one of the measures to address domestic productivity concerns, Cocobod is updating a strategic plan titled Cocoa Sector Development Strategy II (CSDS II): The Transformation and Modernization Agenda (2015–2025), with support from the World Bank and cocoa industry, led by the WCF. This process started with a scoping study followed by two scenario planning workshops with the view of soliciting input from many stakeholders for the strategy document update.

The scoping study conducted in January of 2014 identified priority issues that must be addressed in order to boost cocoa productivity in Ghana. The study found the following 5 major constraints to productivity:

1. Management Information and Accounting Systems
2. Logistical Systems and Quality Control
3. Input Supply and Support Services
4. Tree Rehabilitation: Cocoa Agroforestry and Land Use Management
5. Coordination of Programs and Projects in the Cocoa Sector

As part of constraint #4, the study found that at least 25% of cocoa trees are beyond their optimal yielding age, that expansion of new cocoa plantings has been a major cause of deforestation, and that due to poorly aligned incentives between sustainable forestry practices and short-term profit maximization, shade trees are not being planted.

The study flagged land use and forest tenure policies, as well as arrangements between landowners and sharecroppers, as a major constraint in this regard. It recommended that Cocobod and other relevant government authorities "make sure that land/forest tenure/use policies and laws provide incentives and enforcement mechanisms that support climate-smart cocoa agroforestry system."[6] The study also recommended that Cocobod develop an "improved understanding of issues related to land fragmentation (including a review of land use patterns and land-labor contracts)" and a recognition of the "innovative arrangements that incentivize efficient land-labor use in cocoa landscapes."[7]

1.1 PURPOSE OF MISSION

The objectives of WCF and Cocobod are aligned towards increasing productivity and sustainability of cocoa production, and modernizing Ghana's cocoa sector. These objectives are consistent with USAID's development objectives of stimulating economic growth and increasing food security in the countries in which it works.

The purpose of the assessment was to determine the relationship between land tenure security among Ghana's cocoa farmers and overall cocoa productivity; the particular land tenure constraints relevant to the cocoa sector; and possible interventions to improve tenure security for cocoa farmers.

1.2 STUDY METHODOLOGY

The assessment Team consists of two staff from USAID's Land Tenure and Resource Management Office, Yuliya Neyman and Stephen Brooks, a member of WCF, Takyi Sraha, and a member of Cocobod, Mercy Asamoah. The Team carried out the following sequence of activities:

6 Id. at 11.
7 Id.

Pre-Assessment Desk Study: Prior to conducting an in-country visit, the Team conducted a desk study to obtain a comprehensive understanding of: (1) land tenure-related constraints in Ghana's cocoa sector, as described in relevant literature; (2) current programs and initiatives addressing land tenure, tree tenure, agro-forestry practices and land use; and (3) current programs targeted at the cocoa sector, which could have synergies with land tenure programming.

In-Country Interviews: The Team's in-country interviews were held from 14th to 23rd April, 2015. Several meetings were held with public and private sector stakeholders to identify current land tenure situation with respect to cocoa, the tenure-related constraints to cocoa productivity, as well as possible interventions that will align incentives towards increased productivity. The Team also held focus group meetings with the farmers and landowners to identify current land tenure situation and tenure-related constraints to cocoa productivity.

Interviews in Accra, Koforidua and Kumasi with stakeholders from the following groups:

- **Government of Ghana:** OASL, Lands Commission, CRIG, Forestry Commission, Regional OASL (Koforidua, Eastern Region), District OASL and CLS Board Member (Nkawie, Ashanti Region).
- **Donor Projects:** World Bank LAP, World Bank/USAID GCAP.
- **CSOs and Others:** IFPRI, COLANDEF, Rainforest Alliance, Conservation Alliance, IITA, Cocoa Abrabopa, the CICOL, Land Seal, Nature Conservancy Research Center, LRMC, Kumasi.

Interviews with cocoa farmers and land owners: With the help of staff of the Cocoa Health and Extension Division (CHED) of Cocobod, the Team selected and interviewed cocoa farmers and land owners in four communities in the Eastern, Ashanti and Western Regions of Ghana. Communities selected were as follows:

- Eastern Region—Fanteakwa District (Agyeikrom community)
- Ashanti Region—Atwima Mponua District (Betinko community)
- Western Region—Sefwi Boako District (Aboagyekrom and Kankyiabo communities)

1.3 BACKGROUND: LAND TENURE

Land tenure in Ghana is governed by a pluralistic legal system, in which customary and statutory tenure systems overlap. Approximately 20% of land in Ghana is owned by the State, and governed by statutory law. The rest—approximately 80% of all land—is governed through customary tenure arrangements and vested in chiefs or other customary authorities. The vast majority of cocoa is farmed on customary land, and therefore customary land tenure arrangements are the focus of this assessment.

LAND RIGHTS AND LAND ACCESS MECHANISMS

The way land is accessed in the cocoa sector depends on one's status as either an *indigene* (whose clan or lineage has traditionally owned the land in question) or a *settlor* or *migrant* (a transplant from another part of the country who has come to work on the land).

The types of customary tenure can be roughly broken down as follows:

Allodial title: This is the highest form of customary interest in land, and is vested in Stools, Skins, clans or families. These entities are seen as custodians who hold land in trust for members of their community (made up of living members, the dead, and those to come). Only indigenes can hold allodial title to land.

Customary freehold: This type of right is created when an allodial holder (e.g., the Stool) allocates land to a subgroup or individual. Customary freehold rights are conditionally perpetual, and holders may sell, lease or mortgage their rights. However, customary freehold holders must recognize the superior ownership of the Stool and must perform any customary services to the Stool when necessary. Only indigenes can hold customary freehold title.

Leasehold: Allodial title holders may enter into a formal leasehold agreement for up to 99 years with other Ghanaians, and up to 50 years with foreigners. Leaseholds are generally entered into by settlers.

Sharecropping: Sharecropping arrangements are pervasive in the cocoa sector. While arrangements are quite varied and flexible, they can generally be broken down into *Abunu* (a half share) and *Abusa* (a third share) sharecropping arrangements. Once a farm has been shared, the sharecropper can enjoy farm proceeds, subject certain rent payments, so long as the farm is in operation. The sharecropper can also transfer sharecropping rights to family members. However, the landowner can re-enter on any portions of the farm that remain uncultivated after it is divided; this includes the right to re-enter in the case that trees are felled on the sharecropper's portion of the farm.

Under an *Abunu* arrangement, the sharecropper brings the entire farm to maturity. Once the farm matures, it is divided in half between the sharecropper and the landlord. Whereas traditionally only the crop proceeds were split (with ½ going to the sharecropper and ½ going to the landowner) recently the actual cocoa trees are shared, giving Abunu sharecroppers greater stake to the land in question.

Under the *Abusa* arrangement, a landowner establishes a farm, and a sharecropper is responsible for farming and maintaining the entire farm. The sharecropper keeps ⅓ of the crop proceeds, the landowner keeps ⅓ of the crop proceeds, and the last ⅓ of crop proceeds is used to finance inputs.

Importantly, while sharecropping systems have traditionally been used by settlers, indigenes can use sharecropping arrangements to farm additional parcels of land, other than those allocated to them by the Stool. For example, a member of the Stool can access one parcel of land through customary freehold title, and another as a sharecropper. This practice is becoming more prevalent as pressures on land increase and availability of land decreases.

Caretakers: Additionally, many settlers farm land as *Caretakers.* A caretaker is brought in once a farm is established, and is paid for their labor with a portion of a crop. The Caretaker has no ownership rights over the land or farm, and can be terminated at will.

It should be noted that there exist many different permutations of sharecropping and caretaker arrangements. These arrangements are context and locality-specific, and are changing quickly in the face of increased land pressures from competing land uses (such as mining and commercial agriculture) and land fragmentation.

LEGAL FRAMEWORK

There are currently 166 laws pertaining to land in Ghana, though their implementation is often limited in rural areas.

The most important land laws pertaining to customary tenure are:

- The 1992 Constitution of the Republic of Ghana, which recognizes all forms of landholding including customary rights.

- The Land Title Registration Law of 1986, which identifies which land can be legally registered, including customary freehold registration and lesser interests such as Abunu and Abusa.[8] However, in practice very little rural land has been registered.
- The Office of the Administrator of Stool Lands Act of 1994, which provides the framework for the management of Stool and Skin lands. The OASL is primarily focused on financial management of customary lands (through collecting royalties or ground rent). Customary land registration and administration are also within the mandate of the OASL, however these activities remain underdeveloped.
- The Lands Commission Act of 2008, which merged several major land sector agencies, namely the Survey and Mapping Division; the Land Valuation Division; the Land Registration Division and the Public and Vested Land Division, into one umbrella body known as the Lands Commission. It is important to note that the OASL, which is primarily responsible for most customary land administration, is not part of the Lands Commission.[9]

The land administration system has for the last decade been in the midst of a reorganization as a part of the LAP, which is financed by several international donors and led by the World Bank (*See Section 2.0*).

8 IIED, Innovative Tools to Secure Land Rights in West Africa, 2010.
9 USAID, Land Tenure Ghana Profile, 2012. Available at http://usaidlandtenure.net/ghana.

2.0 RELEVANT EXISTING ENTITIES AND PROGRAMS

2.1 LANDS COMMISSION

The Lands Commission was established as part of the institutional reform under LAP (*See Section 1.4*). The Commission's primary mandate includes: the management of all public lands and any other lands vested in the President by the Constitution; the formulation of recommendations on national policy with respect to land use suitability or capability; the registration of deeds and instruments that affect land throughout the country; the establishment of standards for and the regulation of the surveying and mapping of land; the provision of land and land-related valuation services; the establishment and maintenance of a comprehensive land information system; and the promotion of research of all aspects of land ownership, tenure and the operations of the land market and development process.

2.2 OFFICE OF THE ADMINISTRATOR OF STOOL LANDS

The OASL was established in 1994 in order to ensure equitable enjoyment of the benefits accruing from Stool land resources by all subjects of the Stools. Currently, the OASL has seven (7) Regional Offices in Western, Ashanti, Brong Ahafo, Central, Eastern, Greater Accra and Northern Regions and eighty-eight (88) District Offices throughout the country.

The functions of OASL include: the establishment of a Stool land account for each Stool into which rents, dues, royalties, revenue and any other payments must be paid; the collection of those rents, dues, royalties, revenues or the other payments; and the disbursement of the revenues.

2.3 LAND ADMINISTRATION PROJECT

LAP was designed to improve country-wide land administration and therefore tenure security. LAP Phase I was implemented between 2003 and 2010, with a focus on the formation and implementation of land-related policy. Additionally, LAP: I (i) decentralized the deeds registry to all nine regions, reducing the time required for land registration; (ii) established 38 Customary Land Secretariats (CLS) to facilitate management and record keeping of customary land allocations and transactions; (iii) conducted land use planning at three levels; (iv) reduced the backlog of land dispute cases; (v) tested land title registration in urban areas and demarcation of customary land boundaries; and (vi) codified land rights in 20 traditional areas.

The second phase of LAP started in 2013 and is scheduled to end in 2016. Its primary objectives are: (i) to improve the land administration framework; (ii) to decentralize and improve delivery processes for business and services; (iii) to improve the special data and maps needed for land administration; and (iv) to strengthen project management and further develop human resources.

LAP is supported by the World Bank, the Nordic Development Fund, the German Reconstruction Credit Institute (KFW), Canadian International Development Agency (CIDA), the Department for International Development (DFID), Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), and GoG.

2.4 CUSTOMARY LAND SECRETARIAT

The CLS is an intervention established under LAP in 2004 to strengthen the institutional capacity of customary land administration systems in the country, and to increase the availability of public information about land[10]. The CLS operates within the jurisdictional area of traditional leaders, which is subject to various customary land administration laws. CLS' are an attempt to enhance customary land administration by introducing a simplified system of documentation and recording of land ownership and land transactions at the local level[11].

The original aim of the CLS established under LAP I was:

- to serve as an appropriate administrative mechanism through which basic and accurate information on land transactions can be recorded for further processing at the public land sector agencies;
- to serve a step towards building attractive investment climate in the country (e.g., to sanitize the land market and instill confidence in investors); and
- to enable traditional authorities to manage their lands in a more judicious and effective manner.

To date, 57 CLSs have been established, and are expected to perform the following functions:[12] keep and maintain accurate and up to date records on land dealings in the locality; provide information about the land owning community to the public; receive all correspondence on behalf of the Land Management/Allocation committees; serve as a link between applicants, land owners and other stakeholders; prepare accounts of all income and expenditure on local land transactions; prepare periodic reports on all activities of the secretariat; and promote the use of alternative dispute resolution to resolve conflict.

2.5 GHANA COCOA BOARD

Cocobod is the governmental institution in charge of the regulation and the development of Ghana's cocoa sector. Cocobod's primary responsibilities within Ghana's cocoa value chain include the following:

- Providing technical support by way of control of pest and diseases, training and extension services to the farmers through the CHED;
- Overseeing agricultural research, the hybridization of seeds and the sale of seeds to farmers through the CRIG and Seed Production Unit (SPU);
- Issuing licenses to buying companies to buy and consolidate local purchases of cocoa beans in the country on its behalf;
- Providing guidelines for purchasing cocoa beans and for operation of local buying companies;
- Through its Quality Control Department inspecting, checking, grading and sealing each consignment of cocoa to ensure quality standards are maintained; and
- Marketing cocoa beans for exports to cocoa processing companies in the country through the CMC.

10 Development of an updated version of guidelines for the Customary Land Secretariats (CLSs): The Ghana Land Policy Action Node, 2014

11 The concept of a CLS has existed in select Stools (Asantehene's Land Secretariat in Kumasi, The Akyim Abuakwa Lands Secretariat at Kyebi and the Gbawe Kwatei Family Land Secretariat in Gbawe, Accra) prior to its formalization through LAP.

12 Survey Report on Customary Land Secretariats in Ghana

2.6 WORLD COCOA FOUNDATION

WCF is an international membership foundation that promotes a sustainable cocoa economy by providing cocoa farmers with the tools they need to grow more and better cocoa, market it successfully, and make greater profits. WCF's membership includes cocoa and chocolate manufacturers, processors, supply chain managers and other companies worldwide, representing more than 80% of the global cocoa market.

WCF's mission is to create a sustainable cocoa economy, and its sustainability principle is based on "People, Planet and Profit". WCF is based on the following principles:

- Ensuring a sustainable supply of quality cocoa that benefits both growers and users.
- Empowering farmers to make choices that help develop strong, prosperous cocoa communities.
- Promoting sustainable production practices that maintain and increase biodiversity and crop diversification.

WCF has increased investment towards sustainable cocoa production in West & Central Africa through the implementation of African Cocoa Initiative (WCF/ACI) and Cocoa Livelihoods Program (WCF/CLP). In May 2014, WCF launched the **CocoaAction Strategy**, which brings global cocoa and chocolate companies together to accelerate sustainability and improve the livelihoods of 300,000 cocoa farmers in Côte d'Ivoire and Ghana by 2020.

The **African Cocoa Initiative** is a public-private partnership, bringing together WCF, cocoa industry members, the Dutch Sustainable Trade Initiative (IDH) and USAID through its Global Development Alliance, in concert with key government institutions in the countries of Cameroon, Côte d'Ivoire, Ghana and Nigeria. WCF/ACI is a 5-year program with the goal of institutionalizing effective public and private sector models to support sustainable productivity growth and improved food security on diversified cocoa farms in West and Central Africa. In so doing, the program aims to double cocoa productivity for 100,000 farm households and in doing so raise per capita income by 150–200%. WCF/ACI is being implemented in Cameroon, Côte d'Ivoire, Ghana and Nigeria.

The **Cocoa Livelihoods Program** increases food crop and cocoa productivity through tested supply and demand driven models. The three objectives of WCF/CLP, which is currently in Phase II, are:

- Increase cocoa productivity to 1,000 kg/ha by providing farmers with the full productivity package which includes training in farm management and good agricultural practices, improved planting material/seedlings and increasing their access to cocoa inputs (fertilizers and agro-chemicals);
- Improve service delivery efficiency through development of innovative approaches for improving assisted farmers to have access to agricultural inputs; and
- Improve farmer resiliency, with a focus increasing productivity of food crops.

The WCF/CLP is funded by the Bill & Melinda Gates Foundation, WCF and cocoa industry members, and is being implemented in Cameroon, Côte d'Ivoire, Ghana and Nigeria.

2.7 FORESTRY COMMISSION OF GHANA REDD+ PROJECT

Ghana first began to engage in Reduced Emission from Deforestation and Degradation (REDD+) in 2008.[13] REDD+ is a global initiative aimed at incentivizing and supporting national efforts to reduce carbon emissions that result from vegetation loss due to deforestation and degradation. Thus REDD+ is

13 A Guide to Implementing REDD+ in Ghana: Criteria and modalities for developing a REDD+ project (Dec 2013)

a performance-based mechanism that aims to create financial and other types of incentives to reduce the rate at which forests are being converted to other land uses, causing carbon dioxide emissions. The REDD+ concept reflects a vast shift in how forested African countries and donors have traditionally thought about and engaged in forestry and agroforestry projects and programs.

Ghana's national REDD+ strategy was developed in 2014 and is aligned with Ghana's developmental strategies and policies. The Forestry Commission of Ghana hosts the Secretariat for REDD+ mechanisms.

The National REDD+ Secretariat (NRS), hosted by the Forestry Commission, has created a database for registering of individuals and organizations engaged in REDD+ interventions in Ghana, including cocoa producers.

2.8 LAND RESOURCE MANAGEMENT CENTRE

LRMC is a Non-Governmental Organisation focused on supporting land-related education, research and publication, with emphasis on property rights and ownership, land use and regulation, and taxation of lands and buildings. LRMC is a member of the CICOL, and has been actively engaged in the LAP. LRMC also has a strong relationship with Traditional Councils, CLS' and community organizations across cocoa growing districts and regions throughout the country.

Recently, LRMC collaborated with IIED (UK) and GERSDA and AMEDD (Mali), to implement the "Innovative Tools to Secure Land Rights for Family Farmers in West Africa" project. Under that project LRMC developed community based strategies to help strengthen farmers' land rights, including template landowner-sharecropper contracts. These community tools promise to be useful for securing land rights of cocoa farmers, particularly migrant farmers, women and the youth who are very vulnerable in the wake of large land acquisitions and illegal small scale mining activities that are encroaching on farm lands in many farming communities in Ghana. The tools are currently being up scaled in some cocoa growing districts in Ghana with support from the International Land Coalition (ILC).

2.9 MEDEEM

Medeem is a private company with a focus on helping land owners to formalize their land rights by bridging the gap between informal landholding and formal land registration. Medeem's ParcelCert process is designed to formalize landholdings along the continuum of rights, including customary, family, leasehold, sharecrop and other interests.

Medeem's ParcelCert is a paralegal document which provides evidence of the rightful ownership, possession, or use of a parcel of land, and is coupled with a land survey of the property. ParcelCert was piloted with Kuapa Kookoo Farmers Union under the Commercial Strengthening of Smallholder Cocoa Production Program, which was funded by the Bill & Melinda Gates Foundation and implemented by CNFA between 2009 and 2013. A total of 1,300 farmers were issued with ParcelCerts; this has enabled them to more accurately describe the dimensions of their land/farm and hence better determine the quantity of needed farm inputs. The ParcelCert process also provides them with increased security of tenure which translates to greater confidence and commitment in making investments on their farms.

2.10 COLANDEF

COLANDEF was established in 2002 with a focus on three thematic areas pertaining to land issues. These are:

- Land Governance and Natural Resource Management;
- Local Governance and Gender; and
- Research and Advocacy

The goal of COLENDEF is to ensure security of tenure is enhanced for all, particularly at customary level and for disadvantaged groups. COLANDEF activities focus on public education, institutional building/organizational strengthening, policy advocacy, sensitization and counseling. COLANDEF also collaborates with the LAP.

3.0 FINDINGS

The Team's preliminary findings indicate a strong correlation between insecure land tenure arrangements (particularly between landowners and tenant farmers) and reduced farm productivity, specifically related to limited long-term on-farm investments and the uptake of sustainable agroforestry methods. Furthermore, because of increasing pressures on land from illegal gold mining and commercial agriculture investment, as well as increasing fragmentation of land, perceptions of tenure security are changing quickly, and largely for the worse. However, landholding and farming arrangements are extremely varied across cocoa-growing areas, and more research is needed to truly understand the multiplicity of these arrangements, their impact on land tenure security and how this impacts productivity.

3.1 PRESSURES ON LAND ARE INCREASING:

Like many countries before it, Ghana, formally known as the "Gold Coast", has largely been seen as a resource-rich country with sufficient area for localized expansion. However, over the last 25 years, rapidly expanding urban areas and dwindling productive farmlands have contributed to increased land pressures in relatively isolated areas and virgin forests (e.g., in Ghana's Western Region). Added pressures resulting from illegal gold mining, commercial agriculture concessions, and land fragmentation have contributed to changing land tenure arrangements and allocation dynamics. Conflicts over land have become a regular story in most of the country's daily newspapers as a result of pressures and subsequently rising land values. The traditional layers of land use and ownership represented through mostly oral agreements are now increasingly being contested and reshaped. This shift has impacts on agricultural productivity, including in cocoa. Anecdotal evidence shared in many of the Team's meetings related complications affecting the cocoa sector to rising uncertainty over land. Many cited the lack of formalized agreements between farmers and landowners, Stools or heads of Family lands as an important factor affecting land management decisions. For example, several cases were shared of instances where occupied lands are being sold to outside agricultural or mining interests. Specific complications arise from informal compensation measures in cases of land acquisition, for example where the farmer is compensated for crops as they are at the moment of acquisition, as opposed to the full lifecycle of the crop (i.e., if cocoa tree hasn't borne fruit yet, no compensation). These particular arrangements act as a disincentive against long-term investment and decrease overall ability to make land management decisions.

The extent and impact of land pressures on farm management decisions depend on existing tenure arrangements (*See Section 3.2)* and the status of landholders within a community. For example, migrant communities that have recently settled in or around Stool lands are seen to be more at risk of being dispossessed of their land, or given lower compensation for land takings, due to their not having inherited Family lands or traditionally belonging to the broader Stool. Findings from meetings with community members also highlighted the variability of traditional systems depending on the region. For example, some Abunu agreements allowed farmers to gain half of the land they farmed after it was

brought to maturity, while other Abunu arrangements only allowed farmers to receive half of the land's yield. Furthermore, as a result of the changing values of land, differences in traditional practices are resulting in varying degrees of conflict associated with practices that were historically peaceful.

Ultimately, the variability and context-specific nature of the tenure arrangements in cocoa growing regions has illustrated the growing need for a baseline study of the factors impacting and driving these changes. Specifically, the Team's discussions with local researchers highlighted how this information could not only be useful in gaining a more robust understanding of the link between tenure and cocoa productivity and types of decisions being made on the farm, but in assessing areas and groups that may be most at risk due to limited documentation of agreements and increased commercial and illicit interests.

3.2 SHARECROPPERS AND TENANT FARMERS HAVE SIGNIFICANTLY LESS TENURE SECURITY THAN LANDOWNERS:

In particular, Abusa sharecroppers are less secure than Abunu sharecroppers. The Team consistently observed that Abusa sharecroppers are not engaged in long-term land use management of their cocoa farms due to the insecurity associated with informal farming arrangements. The farmers' lack of confidence that they would gain return on their investment of time and energy in the land was highlighted as a primary reason to their limited engagement in sustainable management decisions. Additionally, most Abusa farmers did not hold regular conversations with the owners of the lands they farmed, and noted that they generally only heard from the landowners when it was time to take the season's yield to market. Traditionally, landowners in Abusa agreements are supposed to provide inputs for the farm through the proceeds of one third of the yield. However, tenants often cited that that inputs from these agreements could not be relied upon, thus requiring the tenant to seek out inputs and limiting the overall farm's productivity and potential.

The Team also found that caretakers are the least secure of all groups. Caretakers are often brought onto the farm after it has reached maturity and are responsible for maintaining productivity. The farmer is usually paid for labor and sometimes provided a negotiated share of the yield. Similar to the Abusa and Abunu agreements, caretaker agreements are often informal, however, they are more subject to change and can be terminated at-will by the landowner.

Generally, the Team found anecdotal linkage between the investment of landowners in their farms (both in terms of finances and management), and farm productivity. This was particularly evident within Abusa sharecropping arrangements. As stated, landowners in Abusa arrangements are largely in charge of allocating one third of the yield's proceeds for inputs back into the farm. Although rarely witnessed, the Team learned that farms with greater engagement between tenant and landowners were better suited to receive inputs and produce higher yields.

3.3 AGREEMENTS ARE NOT DOCUMENTED:

Sharecropping arrangements are almost never documented in writing. This practice contributes to tenure insecurity, and acts as a disincentive for on-farm investment. Tenure arrangements made between sharecroppers and landowners are often verbal, tied specifically to crop yield, and do not necessarily incorporate a time frame. The lack of a physical document tied to the oral agreement limits the farmers' ability to dispute decisions made by the landowner that may negatively impact the tenant's livelihood or security. The Team observed great uncertainty by tenants over the types of informal

criteria that tie them to the land. An example of this uncertainty includes a case where Family land was passed down through direct kinship ties, and the grandfather had made an oral agreement that the tenant shall continue to work the farm as long they are virtuous No tangible criteria were explicitly set, and therefore the tenant was animatedly confused as to what factors may deem him unfit to live on the land.

The Team also observed cases where successful farmers are interested in expanding their production potential as sharecroppers, however ultimately back out due to a lack of interest by the landowner to engage in a formally documented agreement or lease. This disinterest is often seen to be a result of a misunderstanding and distrust of what the terms of the lease agreement are. Conversely, landowners often showed an initial lack of interest to engage in written agreements for fear that such an agreement would limit their land or ability to make management decisions on their land. This fear of written agreements was, however, allayed when the Team mentioned the potential for flexible agreements that could include performance-related clauses, tying the tenant to certain land management and production criteria. The Team received greater interest from both tenants and landowners once this was brought up. These anecdotal cases revealed the general lack of understanding of tenure arrangements and also options available through landowner-farmer contracts.

3.4 LANDS ARE NOT MAPPED:

Many farmlands are not mapped, and a majority of farmers do not have land documents. This creates uncertainty for landholders that their land won't be re-allocated, makes it difficult to collect land tax, and bars farmers from knowing how many inputs to apply based on farm size. For example, the Team observed many cases where the farmers' lack of exact knowledge of the size of their farms resulted in the mismanagement of inputs provided by subsidized input programs. Specific cases were reported where farmers believed their farm to be larger than it was, and therefore over applied fertilizer.

The lack of mapped farms also has an important impact on the royalties and taxes Stool and regional OASL officials collect from farmers. Confusion over the size of landholdings leaves a great amount of flexibility for the miscalculation of royalties owed by farmers. Cases varied widely in the field. OASL officials told of instances where both underestimation and overestimation of farm sizes occurred, depending on who was asked. This ambiguity opened up a space for informal fee amounts and variable rates depending on how the size was measured. For example, in some areas chiefs and other Stool administrators preferred to use antiquated survey measurements derived from colonial methods (e.g., poles) that resulted in larger hectare amounts compared to newer methods and units of measurements.

Additionally, the lack of formalized measurements and documented farm surveys does not permit an accurate assessment of the actual fees an overall Stool may be entitled to. It was suggested by a few researchers the Team spoke with that this is likely a missed opportunity for optimization of land-based tax systems. It was argued that the systematic survey and assessment of Stool lands in any given Stool would provide an exact understanding of the amount to be collected. This amount could even be collected under lower fees/hectare and likely be more profitable over the long run due to the established, expected rate that would not be dependent on the informal agreements of a Chief and individual. Furthermore, it was suggested that an equitable and transparent land fee collection process would likely encourage more participation by farmers as there would be less worry of the rate being changed at the whims of an administrator.

3.5 MAPPING EFFORTS ARE NOT LINKED:

The mapping, demarcation and titling efforts that have occurred in Ghana's cocoa-growing regions are often sporadic and not linked to broader efforts such as those proposed under LAP. The mapping and land registration efforts to date have been led by a variety of actors for a variety of reasons. For example, non-profit and donor organizations have led individual mapping and accountability initiatives that incentivize the registration and mapping of lands that are primarily used for cocoa cultivation. These initiatives provide an important set of data including productivity, quality, and traceability/accountability. This data offers key entry points for value chain efficiency analyses while also providing farmers with a better understanding of the different characteristics of the land and the product they provide to the market.

For example, the previously discussed ParcelCert program (*See Section 2.10*) and the certification efforts of Abrabopa[14] utilized surveyors to map farms in order to provide highly detailed survey maps of the farm sizes and produce a well-vetted paralegal document that certifies use rights, possession, or ownership of the farm and land in question. Other mapping and certification efforts by organizations such as Rainforest Alliance and Conservation Alliance also involve the collection of demographic and spatial data within their certification programs, but are not tied to documentation of rights.

Each program varies widely in the type of data collected and the standard applied. In addition to creating a patchwork of mapped areas across Ghana's cocoa growing regions with varying degrees of data types, most mapping efforts are not linked to the recently designed administrative systems of the LAP-supported regional CLS, resulting in a lost opportunity for the government to capture baseline data of the region. This was further highlighted in meetings with GoG officials from OASL and the Forest Commission, who presented details about separate mapping efforts that are concurrently being planned and carried out without explicit coordination with regional CLS'.

These disparate mapping and registration efforts highlight the need to consolidate and standardize the data collected by government entities, CSOs and private companies, and place it on a single map (*See Section 4.2).* Any such consolidation efforts should coordinate with LAP, which has played a primary role in driving most land governance processes across different scales within Ghana.

3.6 TREE TENURE CAN CONSTRAIN COCOA PRODUCTIVITY:

The lack of clarity surrounding tree tenure was consistently highlighted as a major constraint to cocoa productivity, and more broadly, general farm management practices in the three regions visited by the Team. Tree tenure arrangements differ depending on several factors, including whether the tree is planted or naturally occurring, whether the tree grows on state or customary lands, and the type of tree species. For instance, the state maintains all ownership and use rights over naturally occurring timber trees on state reserve lands and off-reserve lands (e.g., Stool, Skin, Family, and Private). Use rights and ownership over planted non-timber trees occurring on off-reserve land depend on the type of land it is planted on. Specifically, non-timber trees planted on communal lands (Stool, Skin, and Family) are property of the communal body who must be informed of any management decisions made by the land user. With regards to cocoa trees, it is generally recognized that the planter maintains ownership and use rights over the tree as long as it is producing fruit and standing.

14 A farmers organization that conducts extension services and provides technical inputs for about 13,000 farmers.

The complex factors that influence tree tenure arrangements have an important impact on farmers' short-term and long-term decisions. For instance, under the Abunu sharecropping arrangement, the sharecropper who was originally responsible for the planted trees, either through direct labor or inheritance, must secure the consent of the landowner before replanting or cutting down these trees. If the sharecropper cuts or replants a tree without obtaining consent, the land reverts to the owner. This dynamic acts as a disincentive for replanting when trees are old, or rehabilitating diseased trees. The Team found that sharecroppers often do not replant trees due to the fear of losing the underlying farm. Additionally, the constraints from unclear tree tenure have also resulted in farmers voicing preference to clear new land rather than replant, as they see it being easier and less risky to open new areas as opposed to renegotiating new agreements with the landlord over the replanted areas.

4.0 RECOMMENDATIONS

The Team was encouraged to find that while tenure insecurity is prevalent among cocoa farmers, there are ready solutions for some of the most pressing causes of tenure insecurity, and moreover, many capable local groups have already begun working to improve the tenure security of cocoa farmers. The solutions outlined below aim to minimize implementation costs, and capitalize on work that has already been done in this sector. Additionally, in light of the mandates of the WCF and Cocobod, the solutions below aim to bring not only land tenure-related benefits, but also improve other factors (such as transparency, education and communication) that are critical to improving cocoa productivity and sustainability.

Team recommends a phased intervention that (1) provides a comprehensive baseline understanding of the dynamics surrounding land tenure in the cocoa sector, and (2) targets surgical interventions that can most effectively improve situational tenure security with limited resources.

4.1 PHASE 1: BUILDING THE BASE

ACTIVITY 1: SUPPORT COCOBOD'S EXPANSION OF LAND TENURE BASELINE SURVEY

Because land tenure and farming arrangements are so variable and are changing quickly, a robust data set is essential for providing sufficient evidence to support the need for tenure interventions, and to indicate the specific type of intervention needed. Data that would be helpful in forming this baseline includes: type and prevalence of different landholding arrangements; current perceptions of tenure security, current productivity, factors affecting decisions regarding purchase and use of inputs, frequency and drivers of land-related disputes, level of land certification and documentation, and perception of tenure security, all disaggregated by landholding type.

Cocobod's CRIG has recently completed a land tenure survey to better understand the land tenure arrangements and tenure-related constraints within Ghana's cocoa sector. Originally, the survey was anticipated to include 2,000 participants, however due to funding constraints the survey was shrunk to 350 participants.

Given the importance of gathering a robust baseline data set, the Team recommends that CRIG's survey be expanded to include, at the least, the 2,000 participants originally intended. The Team recommends additional probing questions be inserted into the survey, to assess the link between tenure security and investment in productivity-boosting practices, as well as the link between landowner involvement and farm productivity.

ACTIVITY 2: CONSOLIDATION OF DATA ALREADY COLLECTED, AND PRESENTATION ON A SINGLE MAP

Stakeholders with whom the Team met, as well as WCF and Cocobod, uniformly expressed that mapping cocoa farms is of paramount importance, not just to assist with land tenure-related interventions, but to assist with extension services, farmer education, capacity building and productivity research.

Several different groups, including private companies, NGOs, and the GoG, have already invested a great amount of time, resources and energy into mapping a significant portion of Ghana's cocoa farms. Information that has been recorded ranges from simple GPS coordinates of farms, to robust data sets that would allow land registration, as well as information about farmers, farm productivity, and tenure arrangements.

However, this information has never been consolidated or standardized, and is currently of limited use to decision-making institutions, and to WCF and Cocobod. Consolidating this information into a single map would bring to the fore a large amount of data, identify which areas have not been mapped, and avoid duplicating efforts. The Team suggests that the maps and related data already collected be consolidated and stored on an open platform, accessible to all. Information could include boundaries (both farm and total land parcel); type of landholding; farm productivity; age of farm; and demographic information about landowners.

The platform could be hosted by the GoG (most likely Cocobod, or the Forestry Commission, which is currently georeferencing cocoa farms, and will offer the collected data for free as part of its REDD programming). Alternatively, the data could be hosted on a third party platform, from which it can eventually be linked to a cadaster or land information system developed by the GoG. Hosting on a specialized third party platform will most likely be a cheaper option than developing a new platform within GoG.

The Team notes that there is some sensitivity, mostly on the part of private companies, in disclosing data about the farms from which they source. Some companies may view this data as confidential for competitive reasons, or may have other reservations about sharing the data gathered. The Team believes that given the critical importance of this activity, Cocobod and WCF should consider leveraging their influence and convening power to encourage companies to take part in this data consolidation effort. The benefits reaped from consolidating farm maps will be considerable, and will likely outweigh any competitiveness concerns. The Team also notes that several cocoa companies have agreed to share mapping data with the Forestry Commission as part of the REDD project, with the understanding that this data will be open to the public.

Once data consolidation is completed, the data can be used as a baseline from which to continue the systematic demarcation of the farmlands that have not yet been mapped.

4.2 PHASE 2: SELECTIVE IMPLEMENTATION

ACTIVITY 1: DOCUMENTING LANDOWNER-TENANT CONTRACTS THROUGH A SIMPLE, FLEXIBLE TEMPLATE, PAIRED WITH FARMER-LANDOWNER EDUCATION ON THE BENEFITS OF DOCUMENTING TENANCY ARRANGEMENTS.

The Team found a glaring gap in the documentation of arrangements between landowners and tenant farmers (both sharecroppers and caretakers). These arrangements are typically oral, and highly general; arrangements rarely contemplate the circumstances under which trees can be cut and replanted,

conditions under which the landlord can re-enter the land, how input decision-making is handled, and other important considerations.

To address this gap, and to strengthen perceptions of tenure security among cocoa farmers, the Team recommends an intervention that help landowners and cocoa farmers document in writing the terms of their arrangements. This intervention would consist of three parts:

1. Education and capacity-building to develop an understanding of the benefits and power of such contracts;
2. Low-cost mapping of land parcels containing cocoa farms; and
3. Documenting landowner-farmer agreements using a simple, flexible contract template.

Some existing work has been done on this front by Medeem (funded by the Gates Foundation) and the LRMC (funded by the ILC). The LRMC is currently piloting all three of the intervention elements described above, and has succeeded in bringing down mapping and documentation costs to a figure that farmers are comfortable paying (the ILC grant pays for certain fixed costs such as surveyor transportation). This fact is important because the ability for farmers to pay for these services, even at a subsidized rate, helps ensure the long-term sustainability and scaling potential of such efforts. Organizations like these could be supported to continue these efforts.

Importantly, the LAP has worked over the last several years to develop and capacitate Customary Land Secretariats (CLS'), which will ultimately be responsible for demarcating land and registering rights. Therefore, any land documentation initiative should work closely with local CLS', who can store copies of template and executed agreements, and use the data collected through the mapping process to formally register land rights. To the extent possible, CLS' should be further capacitated to perform the above functions, in close coordination with efforts already ongoing through LAP.

U.S. Agency for International Development
1300 Pennsylvania Avenue, NW
Washington, DC 20523
Tel: (202) 712-0000
Fax: (202) 216-3524
www.usaid.gov