

LAND OWNERSHIP RIGHTS AND ACCESS TO FARMLANDS BY FARMERS AND HERDERS IN THE KWAHU EAST DISTRICT IN THE EASTERN REGION OF GHANA

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ABSTRACT

Land is seen in societies as a vital natural asset, and the worth of this resource to human through time and space cannot be underestimated. The purpose of this research was to examine land ownership rights and access to farmlands by farmers and herders in the Kwahu East District (KED) in the Eastern Region of Ghana. Qualitatively, the study adopted a descriptive case study research design. This research was based on two objectives: to examine land ownership rights in the Kwahu East District, and determine how farmers and herders get access to farmlands. The study population involved residents of three communities in the Kwahu East District, namely, Yaw Tenkorang, Kwaku Sarfo and Bebu. The purposive sampling technique was used to select 4 traditional leaders, 10 farmers, 10 herdsman and cattle owners, 3 Assembly members, the District Chief Executive, the District Commander of Police, and the District Land Officer. The study concluded that, land ownership rights in KED were based on the allodia and usufruct systems, which vest land ownership rights in the hands of traditional authorities and family heads. Again, the study showed that, indigenous farmers lay claim to greater rights over the lands compared to herders who are considered as aliens, without any land ownership rights. The study revealed measures initiated to find lasting solution to this conflict. It is recommended that; the Municipal Assembly must concentrate more effort in establishing adequate fodder banks for cattle. Again, the practice of ranching must be encouraged amongst cattle owners and herders to prevent unwanted competition over land use.

KEYWORDS

Conflict, Farmers, Farmland, Ghana, Herdsmen, Land, Land Ownership, Rights

1. INTRODUCTION

Land is an important natural resource, and the significance of this natural asset to man on earth through all ages can hardly be overstressed [1]. All human livelihoods and activities are directly or indirectly dependent on land at varying thresholds. But land connotes different meanings to the various user groups. For instance, builders, manufacturers, fishermen, miners, hunters and farmers have different specifications in their requirement for land for their production/services. Out of all user groups, agricultural production, perhaps exhibits the most varied demands in its use of land. Yet, land is a limited, somewhat a scarce resource with both access and usage barriers.

Competition for land between and within various user groups has been a challenge in human society. Non-agricultural user groups compete with agricultural user groups on one hand, while there are various levels of intra-user group competition on the other. Indeed, competition for land use is becoming keener and fiercer, largely due to increasing human and animal populations [2].

It has been illustrated that increasing population growth rate has continued to exert great pressure on available land resources with varying environmental and socio-economic implications [3].

Manu, Bime, Fon and Ajagaet opines that, the insatiable nature of human wants; and competitions for scarce resources are the foremost causes of community or inter-group conflicts [4]. Resource use conflicts/clashes, according to Adisa and Adekunle, are becoming fiercer and increasingly widespread in Ghana and other West African countries [5].

Ghana has become prone to intermittent outbreaks of conflict, including conflicts between and within ethnic groups. However, one conflict which requires further examination and policy attention is the one between farmers and herders. Relationships between sedentary farmers and herders are largely defined by competing claims to natural resource rights. Intuitively, the push to modernise agriculture in Ghana, and the subsequent expansion of crop farming in time and space, reduce the available resources for pasture, and increases both the frequency and the intensity of farmer-herder conflicts. These conflicts do not end in a zero-sum game, where farmers win, and herders lose. Instead, the resulting conflicts and accompanying insecurity undermine herders' livelihood and the effectiveness of agricultural programming, more generally.

Farmers and herders usually clash over lands for agricultural or pastoral activities. The availability of arable lands is a variable often intimately associated with basic welfare among rural folks [6]. In Ghana, farmers and herders' conflicts over the years have evolved from minor disagreements and isolated skirmishes to highly violent and frequent conflicts. Within the mostly rural communities that are affected, the conflicts are highly destructive, resulting in loss of lives, injuries, displacements of families and the destruction of properties. In recent years, successive governments have been committed in managing these conflicts, but their efforts remain futile as farmer-herder conflicts are considerably spreading in various areas across the country. The rise of these conflicts tarnishes the reputation of Ghana as a country of peace among her neighbours. Hence, this study sought to explore land ownership rights and access to farmlands by farmers and herders in the Kwahu East District in the Eastern Region of Ghana.

The issue under consideration is that until recently, there has been peaceful coexistence between farmers and herdsmen in various communities in Ghana. During the last two decades, however there have been an alarming, incessant and renewed conflict between farmers and herdsmen in various parts of Ghana, and these have culminated into violent conflicts and loss of lives and properties. These conflicts have become severe in some communities in the Kwahu East District in the Eastern Region of Ghana.

The herdsmen have identified conflicts arising from land use as the main problem they face in their occupation [7]. The increase in competition for arable land has often times led to hostilities and social friction among the two-land user-groups in many parts of Ghana. The conflicts have not only heightened the level of insecurity, but have also demonstrated high potential to exacerbate the socio-economic crisis in Ghana and other affected countries, due to loss of farmer lives, animals, crops and valuable properties [8].

While security agencies have intervened in many cases to prevent clashes, places such as Gushegu, Nangodi, Agogo, Dumso and various villages in Atebubu, Amanteng and PruDistricts in Ghana have recorded violent conflicts between farmers and herders in recent times. For example, in February 2016, about 80 cattle belonging to Fulani herdsmen were killed by irate youth in Dumso in the Brong-Ahafo Region in response to destruction of crops by cattle herded by Fulani herdsmen. Two farmers were also shot dead while in their farms by suspected herdsmen in Agogo in the Ashanti Region. To exacerbate the situation, in January 2018, herdsmen attacked and wounded four state security personnel in the Asante Akim North District,

leaving three in critical conditions. There has been a general dissatisfaction concerning the activities of herdsmen among the Ghanaian populace. This dissatisfaction is as a result of the compounding issues of land ownership rights and resultant conflicts between farmers and herdsmen.

Heltberg (2002) asserts that, developing countries depend mostly on several important ways in their natural capital. Peasants, fishermen, and cattle in Africa and other developing countries earn their living directly from the utilisation of natural resources such as farmlands, water, air, forest, grazing areas, plants and animals [9]. In most of these countries, the resources are increasingly exposed to unsustainable exploitation, pollution and conversion to other uses. According to Vanderpuye et al, when natural resources degrade or perish, the livelihoods of the people disappear that aggravate the problems of rural poverty, food insecurity, and rural-urban migration [10]. This has called for the need to be serious on the issue of land ownership right. In general, land disputes can be seen as typical, where two parties may have conflicts over the rights to land. Typical example here is the contestation between farmers and herdsmen in the use of land for crop farming and animal grazing respectively. Amacher and Malik assert that, in today's economy, property ownership, or the rights to use and the transfer of ownership can be created based on the contract that can be described as property rights [11]. Property right is defined as ownership to use, to exclude others from taking control and the right to transfer ownership to another, for example, land [12]. The challenges associated in accessing land enabled Vanderpuye et al to indicate that, land can be described in Ghana as the survival of the fittest, where whoever has enough capital and influence can take the land that may belong to another individual. This can be said to be land grabbing that leads to poverty [10].

Effects of land ownership on natural resources are enormous. Deininger indicates that owning a property in the developing world can be a crucial advantage economic activity of an individual [13]. More than 80 percent of land in Ghana is not registered and mostly belongs to family members with no clear title deeds of ownership. Therefore, this affects the individuals in need of land for agriculture purposes [13]. This form of land ownership and inheritance system in Ghana deprives people of owning land with the farmers and herdsmen most affected. The ownership and space for cattle grazing continue to fuel conflicts.

In fact, farmer-herd conflict has taken a new dimension as it has resulted in the killings of farmers as well as herdsmen due to the sophisticated weapons used by the factions in these violent attacks. Many scholars and literatures have attributed the cause of the conflicts between farmers and herdsmen in Ghana to various trends [6, 7]. Some have attributed the cause to environmental scarce resources or climate change, while others have attributed it to globalisation or urbanisation. These scholars and literatures have failed to discuss the extent to which land ownership rights affects the conflicts between farmers and herdsmen in Ghana. These have created a wide gap in the literature on the conflicts between farmers and herdsmen in Ghana in particular and West Africa in general, and this work sought to fill this gap. Therefore, the study was designed to explore land ownership rights and access to farmlands by farmers and herders in the Kwahu East District in the Eastern Region of Ghana. The study was based on the following research questions: What are the land ownership rights in the Kwahu East District?, and How do farmers and herders get access to farmlands?

2. LITERATURE REVIEW AND THERORETICAL PERSPECTIVE

2.1. The Human Needs Theory

The study adopted the Human Needs Theory to examine land ownership rights and conflict between farmers and herdsman in KED. One theory that analyses the root causes of conflict is the Human Needs Theory. The theory offers an insightful understanding of the underlying factors responsible for conflicts, and thus assists practitioners in reaching a possible resolution. This study analyses the theory of Human Needs within the context of the farmer-herders conflict in Ghana. It is widely agreed that in order to survive, all humans depend on certain fundamental essentials or needs, and these essential needs of humanity are the key to survival, irrespective of status, age, location, and gender. These essential needs are referred to as 'The Basic Human Needs'. The theory posits that, individuals or groups will explore every option to obtain their needs including the use of violence or coercion. Human Needs theorists contend that, one of the fundamental factors responsible for protracted conflicts is people's unyielding drive to meet their unmet needs at the individual, group and societal levels [14]. Rosenberg, a proponent of the Human Needs Theory suggested that, violence is the 'tragic expression' of unmet needs, indicating that all actions undertaken by humans are an attempt to satisfy their needs [15].

Furthermore, the Human Needs Theory postulates that, fundamental to the resolution of conflicts is the view that, any arrangements with the objective of fully ending conflicts should include arrangements that fully satisfy the basic human needs of the actors. Hence, the basic human needs of the actors are not negotiable if any resolution is to be reached. To explain further, one of the early proponents of the Human Needs Theory, John Burton, opined that, in addition to common and imperative biological needs of food and shelter, there are basic social human needs such as recognition, security and participation that are relevant to the well-being and livelihoods of the people [14]. In using human needs as a theory in conflict studies, its proponents argue that conflict arises where the needs of a particular group are not recognised and even if recognised; its attainment is frustrated, or not satisfactorily fulfilled. According to Burton, in order to avoid conflict, society must address those needs. This is because, as much as people are eager for new opportunities for the improvement of their well-being, they will protest measures and conditions that deny them of needs they deem relevant to their survival[14]. As a result, any relationship, system or condition that denies these human needs eventually generates protest and if not managed appropriately, escalates into conflicts.

In addition, Burton contributes to the argument by distinguishing between needs and wants. He implies, basic human needs are physiologically determined, while wants are socially determined [14]. Hence, if some controlling resources are the need of an individual or society, then the absence of this control leads people to adopt anti-social behavior, including violence, which ultimately may lead to conflict.

Some scholars known for their application of the Human Needs Theory are Abraham Maslow, Marshall Rosenberg, John Burton, and Manfred Max-Neef. In Africa, scholars such as Frempong, adopted this theory in his studies, where he examined the "Sub-Regional Approach to Conflict Resolution in Africa"[16]. Specifically, in farmers-herders' conflict, Ahmadu, also employed the Human Needs Theory to explore the causes and management approaches to the farmer-herder conflicts in the Lake Chad Region [17]. In the context of this research, the pursuit of basic needs by farmers as well as herdsman is the precipitator of the conflict, especially in a situation where the same land resource is increasingly limited and controlled. In addition to land as the fundamental need, other needs such as recognition, security and participation are essential to farmers and herders. The herdsman desire recognition within a society that regards them as

'foreigners'. In addition, both farmers and herdsmen must be assured of their security rather than living under the fear of attacks.

Lastly, in finding an amicable solution to the conflict, the parties must equally participate in the resolution process. The study argues that, meeting the basic human needs of farmers and herders is indispensable to resolving the conflict. This study shares the consensus that, in order to reach a successful resolution, any strategy with the aim of finally resolving this conflict, must include the satisfaction of the basic needs of both farmers and herdsmen.

The Human Needs Theory is very useful in the context of violent conflicts. First, it is a widely applicable theory in various forms or dimensions of the conflict. The theory is applicable at all levels of society such as intra-personal and inter-personal conflicts, inter-group conflicts and conflicts at the international stage [15]. Secondly, the theory focuses on the root causes of conflict rather than the triggers of the conflict. In Human Needs Theory, practitioners identify the fundamental needs of the parties and look at the best environments in which the parties can peacefully meet their needs.

Thirdly, the Human Needs Theory underlines the common elements of humanity. In global affairs, where differences among the various groups of people are emphasised, the Human Needs Theory attempts to unify all peoples from different regions and cultures, under a common understanding that irrespective of who we are; we all have the same basic needs [15]. The fourth advantage of the Human Needs Theory is that, it makes it very clear that human needs are non-negotiable. Hence, basic human needs cannot be traded, suppressed or bargained for.

However, there are some drawbacks to applying the Human Needs Theory in conflict studies. Firstly, across the conflict studies literature, there are disagreements on what exactly are the basic needs as suggested by the Human Needs Theory. How do we really identify human needs? Among the various theorists, there are discrepancies over what the basic human needs are. For example, Maslow identified food, shelter and water, among his basic needs. Burton identified distributive justice, safety and security as human needs [14]. Rosenberg identified physical nurturance and interdependence as human needs and Max Neef identified subsistence and protection as human needs. Among these various definitions, there are no universally agreed set of basic human needs, and this creates gaps when applying this Human Needs Theory.

Secondly, another source of disagreement is the importance of needs. Which needs are more important than others? Should some needs be prioritised than others? For instance, should food and shelter be met before considering security? Or is protection recognition, and self-fulfillment equally important?

However, irrespective of what the basic needs are, their deprivation by one group against another can lead to the use of violence to attain those needs. The Human Needs Theory works with the assumption that, conflicts between farmers and herders centre on the opposition of one group against the other, in the pursuance of fundamental needs. This results in frustrations on both sides, and consequently, the use of violence to satisfy those needs.

In conclusion, the Protracted Social Conflict and Human Needs theories reinforce each other in the sense that the denial of fundamental essentials for man's survival could lead to resorting to conflict for self-preservation. Conflicts that are rooted in self-preservation are more likely to be protracted, particularly, where the denial is rooted in the differences in identity.

2.2. Land Rights and Land Ownership Systems in Ghana

Land rights are integral part of land laws, as they socially enforce groups of individuals' rights to own land in line with the land laws of a nation. The land law addresses the legal mandates set forth by a country with regard to land ownership, while land rights refer to the social acceptance of land ownership. Indigenous land rights are the rights of indigenous people to land, either individually or collectively. Land and resource-related rights are of fundamental importance to indigenous people for a range of reasons, including the religious significance of the land, self-determination, identity and economic factors [18].

Ghana operates a hybrid system of land ownership that comprises both customary and statutory land ownership systems. The customary land ownership system operates under the customs, rules, norm, and the traditions of a particular community, and this differs from community to community across the country. Statutory ownership relates to lands owned by the state for public purposes or acquired through the state's powers of eminent domain in the interest of the public. Statutory ownership also refers to vested lands owned under customary ownership, but which are held and managed by the state for the beneficial enjoyment of the owners. It is estimated that about 80 per cent of all landholding in Ghana is under customary ownership while the remaining 20 per cent is held by the state for public purposes [19, 20]. The various types of interests that exist in Ghana are the allodia title, freehold title (customary freehold or common law freehold), leasehold and a lesser interest created through sharecropping e.g. "the abunu" and "abusa tenancies" [18, 21].

da Rocha and Lodoh assert that, the allodia interest, which is the highest land title in Ghana, is held by stools (skins), sub-stools, clans, families, as well as individuals in some cases [18]. Among the Akan and in some Ga communities, stools and sub-stools hold the allodia title. In some parts of Adangme (Greater Accra), the Anlo (Volta Region) and Ajumaku (Central Region), families and clans own land. In the Upper East and Upper West regions, and in some parts of the Northern Region, Tendaamba holds the allodial interest [22]. Bentsi-Enchillavows that, individuals and families from the allodial landholding group mostly hold the customary freehold, denoting the near-maximal interest in lands [23]. Chiefs and Tendaamba belonging to families, also have interest in family or communal land [19, 22]. Both members of the landowning group (subject usufructuary) or strangers (stranger usufructuary) can hold the customary freehold interest.

A leasehold interest is a legal interest in land created in favour of a lessee for a specific duration, to occupy and use the lessor's land for a periodic fee. Under the current legal regime of Ghana, a lease can be granted for as short as one year, and for a maximum duration of 99 years for Ghanaians, and 50 years for foreigners. In many instances, the Fulani pastoralists in Ghana enter into leasehold arrangements (purely cash-based) with allodia trustees (chiefs and usufruct holders/legal right holders). Since such land transactions by chiefs are completed with limited participation of usufruct holders, this has implications for peaceful co-existence, transparency and accountability. Whenever conflicts erupt with members of the host communities, the chiefs and the state are pressured by local communities to evict the pastoralists. Boamah attributed the domineering stance of chiefs in land leasing to efforts aimed at re-establishing authority over customary lands and boundaries in Ghana [24]. The last category of land interests in Ghana is customary tenancies in which a gratuitous tenancy is created when the landlord gives out his land to the tenant to use for free of charge. The only known gratuitous tenancy in Ghana is a licence seasonal, annual or indefinite licences which can either be for farming (farming licence) or building (building licence). "Abusa" and "Abunu" sharecropping agreements are the commonest customary tenancies, and are mostly in respect of tree crops [25].

2.3. Access to Land Ownership or Rights and Conflicts

Constraints to agricultural productivity in Africa have, generally included weak linkages to product and input markets and poor extension services. In recent times, limited access to adequate and secure land is a major problem for smallholders' sustainable production in Africa. Smallholders' limited access to land has been heightened by the commoditisation, commercialisation, competition and high demand for land by other stakeholders [26]. Due to pronounced ownership, the insecurity associated with land commoditisation, investment in agriculture and sustainable soil management is reducing [27]. Generally, insecure parcels of land are unattractive parcels for agricultural investments due to the hazards of expropriation [28]. The status of land ownership has implications for investment, environmental sustainability and eventual productivity [29]. In this regard, Place and Hazell, and Deininger and Jin, in their study of land investments in Kenya, Rwanda, Ghana and Ethiopia, found a positive relationship between ownership security and land investment in these countries [30,31]. Similarly, Goldstein notes that, people who are 'politically powerful' (within the traditional political set up) have more secured ownership to land, and hence, invest more in soil fertility and have substantially higher outputs [27].

In the Savannah and Sahel grasslands of West Africa, both smallholders and pastoralists suffer land ownership insecurity in times of agricultural diversification and expansion, conflicts and land grabbing [26,32]. Generally, land commercialisation transforms land ownership from communal towards individualised rights [33]. The individualisation of land rights, however, limits the use of common spaces without conflicts. For example, livestock mobility and the use of grazing lands, create tensions between nomads and smallholders.

Beyene maintains that, the diversification of land-use practices had significant effects on rangeland management and sustainable use of natural resources in dry regions[34]. In addition, trans-national land transactions have caused conflicts among farmers and pastoralists and this has led to potential loss of arable land by smallholders in Ghana[35]. According to Acheampong and Campion, large-scale land acquisitions for *Jatropha curcas*, sometimes lead to violent conflicts between the biofuel investors, traditional authorities and smallholders[36]. It is expected that when functioning land management institutions are established, they would be able to deliver on land ownership security[19]. Customary ownership systems have been praised for their ability to efficiently deliver land to all segments of land users at the community level, even in its largely informal nature. They are also promoted as being fluid and dynamic[37].

Notwithstanding the advantage of customary land institutions to adjust to changing conditions, they have failed to deal completely with land ownership insecurity in Africa, and to reconcile the multiplicity of overlapping rights and interests, especially between smallholders (crop producers) and pastoralists. It is believed that the nature of the prevailing customary land ownership system in Ghana itself has exacerbated land ownership insecurity experienced all over the country [38]. Similarly, Amanor insists that, the social relations of local political power, inherent in customary land institutions will not improve land delivery to socially disadvantaged groups. The activities of herders and smallholder croppers have always had different dimensions of complementarities[39]. Typically, herders gain access to harvested crop fields to feed their animals on free-range basis, while the animal droppings fertilise crop fields. This complementarity between herders and farmers, however, has broken due to the growth in population in Africa, and the continuous allocation of land and labour between large cattle herders and crop producers[40]. This broken relationship has tended to increase resource conflicts among herders and croppers.

A large migration of people seeking land to settle and farm is also a factor underlying land disputes in Africa [41]. From these positions, land conflicts are essentially linked to increased scarcity of land caused by demographic pressures and higher land values. Relations between pastoralists and indigenes are often tensed, with few common social and cultural value interactions [40]. According to Yelsang, uncertainties surrounding land scarcity and marketisation, generate fears and suspicion between neighbours, and even within families. In 2006, two Ghanaians and two Fulani cattle owners were reported to have acquired a total of 190 acres of land and paid 5,000 cedis as 'drink money'. Since 2009, Fulani pastoralists have moved into the Afram Plains of Ghana, in search of grassland for grazing. This period also coincided with the acquisition of 13,058 hectares of land by Scan Fuel (GH) Limited for which \$23,000 was paid as 'drink money'. Subsequently, in 2012, many Fulani pastoralists who acquired pasture lands in the Asante Akim North District had their lands confiscated due to the demand for land for large-scale commercial agriculture. In their desperation for alternative lands, Fulani pastoralists have come into conflicts with neighbouring small holders [41]. It is against this background that this study examined land ownership rights and conflicts between Fulani pastoralists and farmers in KED.

3. METHODOLOGY

The qualitative approach was used for this study. The qualitative approach was selected because it tends to explore the meanings, attitudes, values, beliefs and the experiences of people affected by the farmer-herder conflicts within their natural settings [42]. Again, circumstances underpinning land ownership rights, and how land rights influence the nature of the farmer-herder conflicts as well as actions of the actors within these conflicts can be difficult to express with numbers [43]. Characteristically, qualitative research places high premium on participants' perspectives in this case of land ownership rights, the causes, effects and remedies to the farmer-herder conflicts. The qualitative approach, therefore, limits the imposition of ideas on participants and contributes to deeper insights into human experiences and actions [42].

A descriptive case study was suitable for this study as it allowed for the gathering of data in a real-world context, and it took into account the political and ideological context within which the research is situated [44]. It is an intensive description and analysis of a bounded system used to gain an in-depth understanding of the situation and meaning for those involved [45]. As the study was carried out in three towns in the Kwahu East District of Ghana, the data was used together to form one case. Several research scholars, including Bell, consider that, case studies are descriptive and heuristic, and are particular to a certain context. Case studies have a more human face than other research methods, as it is strong on reality and context which enables 'thick' description [45].

The study area, Kwahu East District is located in the Eastern Region of Ghana with Abetifi-Kwahu as its administrative capital. The district was formally part of the current Kwahu South District. It geographically lies on (6° 40' 0"N, 0° 45' 0" W). The district shares boundaries to the north with Asante Akim North, to the south with Kwahu South District, Kwahu North District to the east, and to the southeast with Fantakwa District. The total land size of the district is approximately 860 square kilometres.

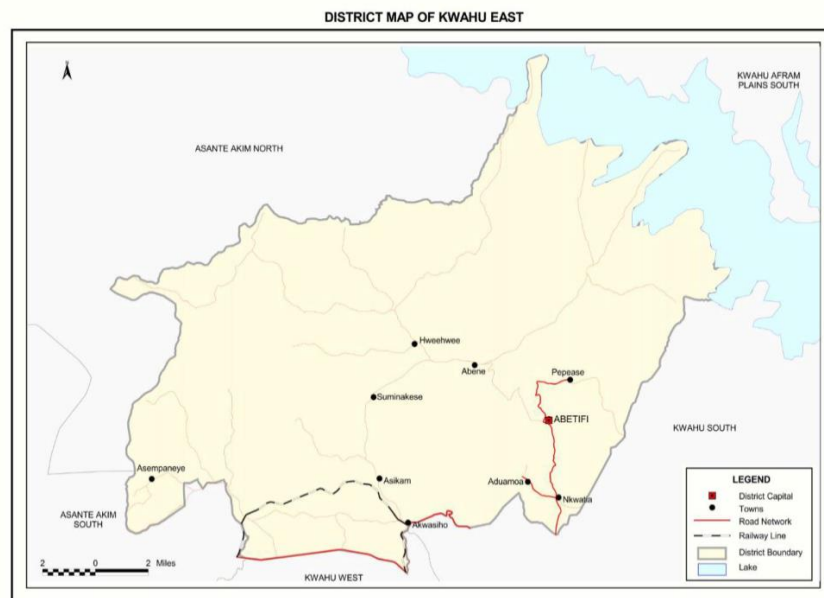


Figure 1: Map of Kwahu East
Source: Ghana Statistical Service (GSS), (2014)

According to the 2010 Population and Housing Census (PHC), the district has a population of 77,125 inhabitants comprising 37,620 (48.8%) males and 39,505 (51.2%) females with 71 settlements and a growth rate of 4.2 percent. Given a growth rate of 4.2 percent, the current population can be estimated at 271, 898. The majority of the inhabitants are engaged in agricultural and forestry activities as well as petty trading. On the other hand, 36 percent of the population is in the formal sector according to the 2010 Population and Housing Census.

Traditionally, the District is administered and controlled by the Kwahu Traditional Council (KTC) headed by the Paramount Chief (Kwahumanhene). The seat of the Paramount Chief is in Abene, which is in the district. The paramount chief is assisted by 17 divisional chiefs, of whom nine are in the district (KED). During Akwasidae, the Kwahu overlord sits in council with the divisional chiefs to take vital decisions and settle chieftaincy disputes as well as conflicts between individuals. Other functions of the traditional authority include initiation of developmental projects, protecting their subjects, linking the people and the central government, and serving as custodians of lands. The three study villages (Hweehwee, Oboyan, and Dwerebease) are ruled by sub-chiefs who owe their allegiance to the Kwahumanhene. These sub-chiefs, in turn, have elders at the village level who assist them in the governance of the villages.

Even though the traditional authority is not as effective as in the pre-colonial and colonial era, they are still relevant. Therefore, the modern political authorities need to collaborate with the traditional authorities in the district to ensure efficient administration and development of the district.

Regarding Fulani herders, early settlers in the study area also got access to land for cattle grazing through tenancy agreement, between five Fulani herdsmen and the late Paramount Chief of Kwahu, Daasebre Akuamoah Boateng II. Other herders got access to land through their contact with the first settlers, and herders who were hired by local cattle owners depended on them for pasture lands. Fulani pastoralists entered the southern part of Ghana in the early 1990s particularly Eastern and Ashanti regions [46]. According to Tonah, most of them settled in the forest zone of

Agogo and Kwahu Afram Plains during the same period. Some migrated to the Kwahu East District due to the availability of pastures in the area, and settled with the help of indigenous cattle owners and chiefs. In recent times, some herders expelled from the Agogo area are reported to have relocated to the Kwahu East District, which was made easier due to a thoroughfare that links the two places (Onyemso to Dwerebease), and the availability of pastures[46]. Kwahu East District is a fast-growing vibrant area with a heterogeneous working population. It is a busy district that accommodates rural-urban and urban-urban migrants who troop there to undertake income-generating activities of various kinds, including trading, farming and pasture for animal rearing. The Kwahu East District was selected for the study because of its association with farmer-herder conflicts.

The study area has over seventy-one settlements, but three of them with long-standing and frequent protracted conflicts were selected for the study. The target population for the study was residents of the three study communities in the Kwahu East District, namely, Yaw Tenkorang, Kwaku Sarfo and Bebuah.

The quality of a sample, determines the quality of the research findings in a large measure. For the purposes of this study, traditional leaders or authorities, crop farmers, herders, Assembly members, the District Land Officer, District Police Commander and the District Chief Executive were interviewed. The multi-stage sampling procedure, which combines both probability and non-probability sampling techniques, was used to select 30 participants. This sampling procedure relies on sampling at different stages in the process [47].

The purposive and convenient sampling techniques were used to select 4 traditional leaders, 10 farmers, 3 Assembly members, The District Chief Executive, The District Police Commander, and the District Land Officer, while the snowball sampling technique was used to select 10 herdsmen and cattle owners. Purposive sampling is a non-probability sample that is selected based on the characteristics of a population and the objective of the study[48]. The purposive sampling method was used to select participants for this study because of their close association with and knowledge of the farmer-herder conflicts and land ownership rights in the Kwahu East District. This type of sampling can be useful in a situation where a researcher needs to reach a target sample quickly and where sampling for proportionality is not the main concern[49]. Convenience sampling is a non-probability sampling technique where subjects are selected because of their convenience, accessibility, and proximity[50]. This procedure relies on data collected from the characters that are conveniently available to participate in the study. Convenience sampling was employed because only community members who were available and willing to provide information were accessed. It was convenient to reach the indigenes because of the proximity of the towns selected by the researchers. Lastly, the snowball sampling method was used because of the difficulty in reaching out to the herdsmen who were mostly in the bush grazing their cattle. As a result, the research had to rely on one herdsman as a proxy who in turn led the researchers to locate other herdsmen.

The main instruments for primary data collection were the interview and focus group discussion guides. To collect data for the study, 30 participants, including 4 chiefs, 3 assembly members, 10 farmers, and 10 herdsmen and cattle owners, the District Police Commander, the District Land Officer and the District Chief Executive (DCE) were interviewed. The purpose of this technique was to obtain information through actual face-to-face interaction with the participants. The use of an interview guide also allowed for the flexibility to ask follow up questions and also to probe more.

Also, focus group discussion guide was employed for the collection of data. According to Gerritsen (2011), focus group discussion is a structured discussion used to obtain in-depth

information (qualitative data-insight) from a group of people about a particular topic[51]. In all, two focus group discussions were held separately for the herdsmen and the farmers. Eight herdsmen and ten farmers were selected for the discussion. The number of participants selected was based on their availability and willingness to participate in the discussion. The focus group discussion offered further insights into the nature and dynamics of farmer-herder social interactions. The discussions also provided supplementary data in addition to the data acquired from the interviews and provided means to cross-check information from the interviews.

Data was analysed thematically, and was based on the emerging themes from the the interviews and the focus group discussion. This was done in relation to information that emerged from the literature review hinging on the research questions. Key issues raised in each emerged category was reported using the thematic approach [52].

Ethical consideration was ensured. Informed consent of all participants was sought prior to the study. Furthermore, research data and the identities of participants were kept confidential in order to protect the privacy and identity of participants.

4. DISCUSSION AND FINDINGS

4.1. Background of Fulani Settlement in the Study Communities

At the time of conducting this study, no literature was available to explain the migration history of the Fulani herders into KEDA and as a result, the study had to rely on the oral account of the traditional authorities and elders. Cattle rearing, just like other forms of animal husbandary predates the colonial area and was not new in the study communities. However, it was not as widely practised as the situation is today. It was the preserve of only few well to do farmers who kept a few to about 20 cattle. One participant, the “Odikro” of Bebuia stated, “The locals employed the services of migrant herdsmen from the northern Ghana to tend their cattle”. This confirms the findings of a research conducted by Abubakari and Longi, who established the presence of cattle herding prior to the emergence of the Fulani pastoralists [53]. The authors further revealed that nomadism was a foreign practice since most cattle owners were also crop farmers and grazed their animals on their farms. Thus, cattle were kept like other domestic animals and this avoided the incidence of crop destruction. One participant, a migrant from the north who has been employed to herd the cattle of a local narrated:

The process of catering for the animals involves cutting grass and fetching water for them and within the course of the week, grazing them in the fields after which they are herded them back to the kraals. There were no incidences of crop destruction because of how we managed the animals unlike what the Fulani are doing today (Field interview, 2021).

An elder recounted:

Cattle were very expensive when I was young. I remember those involved were a few wealthy individuals who owned a few cattle. In fact, cattle were very prized assets that owning them was a symbol of status. They were hardly slaughtered and that would only happen on special occasions such as festivals and Christmas. Due to their fewer numbers, there was only one cattle herder operating in this community (Field interview, 2021).

The data shows that the emergence of the Fulani nomads could be traced to about 20 years ago. They mainly migrated from the Asante Akyem Agogo District, and settled with their animals in the outskirts of communities within the study enclave where there were vast stretches of unused

grasslands. In the account of a 65-year-old farmer, he noted, *The arrival of the Fulani dates back to almost 20 years ago. I first met one about 15 years ago whom I became friends with because I would normally meet him on my way to the farm or hunting.*

Another elder also recounted:

I came to meet the Fulani in this community when I first settled here around the mid 90's. They were just handfuls who were mainly settled around the outskirts far from the farms. But over time their numbers have increased proximity with local farmlands and the number of farmers has also increased (Field interview, 2021).

The results indicate that cattle rearing used to be the preserve of a few privileged individuals in the society. Because of the relatively smaller population of cattle at that time, it was easy to contain and feed the animals in kraals. This situation tended to, generally avoid the incidences of crop destruction. On the other hand, the increase in cattle population has tended to result in open grazing and nomadism resulting in farmer-herder confrontations instigated by crop destruction by cattle. These results corroborate the findings of Tonahwho noted that, herder settlements and kraals were mainly dotted around the outskirts and far removed from host communities, thus limiting contact with them [8].

4.2. Land Ownership Rights in the Kwahu East District

Findings from the study indicate that, the lands within the study area are vested within the trust of the Traditional Authority, specifically the Kwahumanhene (Kwahuman Paramount Chief) who serves as the customary custodian of the lands in the study area. Furthermore, these lands are owned by individuals and families who pass them on as inheritance to the next generation. According to one participant, a farmer, *“The lands were given to the elders of this town by the Abene Traditional Authority and we inherited it from our forefathers” (Field interview, 2021).*

Another farmer also indicated:

These lands belong to Nananom (chiefs) and they gave them to our ancestors to settle on and we have come to also inherit it from our fathers. Any activity that goes on in this community must be by the consent of Nananom (chiefs) (Field interview, 2021).

Furthermore, the data indicated that issues of land litigations are settled by the elders of the community and landowners. To this, one elder narrated: *We all know who the owners of the land are, and we all know each other's farm lands, so when there is a problem over the use of a particular land, we consult the owner for an amicable settlement.*

One cattle herder noted, *“The elders settle land disputes by calling all parties involved to find a peaceful settlement to the problem. When this measure fails, the matter may be forwarded to the chief's palace for settlement.”*

According to the District Lands Officer, *“the lands are controlled and owned by the chiefs and families, that is, the family land and chief's lands, therefore, one needs to see the appropriate owners.”*

The District Land Officer further went on to indicate that the chief as well as the Physical Planning Department of the District Lands Office exercise legal rights over the lands in the study district. The results show that the traditional authorities as well as individual families control and rights in the study communities. The legal and customary rights over lands were vested in the chiefs and family heads and is exercised on behalf of the community. A further recognition and

acknowledgement of the authority of chiefs and local families over lands is expressed in the role they play as arbiters in land disputes.

These results indicate that, land ownership in the study communities were mainly based on allodial and usufruct rights. According to Kasanga and Kotey, rights over land ownership under Ghana's customary laws are in three forms, namely allodial title, usufruct and leasehold[19]. The allodial rights constitutes the highest type of land right under customary law which vests land rights in the traditional authority on behalf of the community. On the other hand, usufruct rights are derived from allodial rights which vests individuals and groups within the community with rights to hold land[54]. It is important to add that usufruct rights can be transferred from generation to generation.

Furthermore, the results from field interviews indicate that the concept of legitimate rights of land ownership is not perceived as equal for both farmers and herders. This has implication for the conflict in the sense that, where as herders who are foreigners claim rights of access over lands through lease or some form of community arrangements, the indigenous farmer population lay claim to land ownership as a birth right, and an entitlement regardless of arrangements between their leaders and foreign herders. The indigenous farmers view the herders as foreigners who under no circumstance should possess permanent rights over land. These findings are in line with the view of Barume, that, in Africa, land rights are largely skewed towards autochthonous[55]. This position is reflected in the view of one herder who lamented:

We are treated with a lot of suspicion and prejudice due to the fact that we are foreigners, and this has affected our ability to own lands. Even if we want to buy, they won't sell to us because we are seen as strangers without any rights to own lands, yet other people who are not from here have bought their own lands (Field interview, 2021).

Another herder noted:

Sometimes, local farmers would attempt to drive us away from our grazing areas which we have legitimately secured through lease with the claim that, the land belongs to their forefathers and we are aliens encroaching on their lands, even when we have paid for the land through lease. Because of this, whenever conflicts breakout, we suffer the most since we are driven away from the lands, we have paid for without any compensation just because we are seen as foreigners without equal rights to own lands with the indigenous population (Field interview, 2021).

According to one farmer:

These lands are for us; our ancestors handed them over to us. The Fulani are foreigners, and consequently, we cannot leave our lands for them to occupy. If we do so, what will we leave behind for our children in future? We would not easily be accepted and given land at where they come from, so why should we allow them here? I blame our traditional leaders, for they are the ones who have leased our lands to the herders, and now they think they have equal rights with us. That is why they can behave recklessly because they think they have paid for the land, and so their money given have rights over the land (Field interview, 2021).

In terms of land security, the data indicates that, indigenous participants were more confident that their lands were secure compared to the herders who were less so. Most of the herders held the view that, whenever there were agitations against the herders they lost the lands, which they had legitimately acquired through lease without any form of compensation. One cattle owner noted that:

Sometimes, the young men try to evict them from the lands claiming they should go back from where they came.” At other times, our lands are confiscated even though we have lease agreements with the owners. Sometimes, it takes the intervention of the traditional authorities and family heads who lease the lands to us to stop them. However, when it came to the mass evictions, all of us were affected.(Field interview, 2021).

A Fulani leader noted:

We are always treated unfairly because we are considered as strangers and foreigners without any land entitlements. Sometimes, people will show up and claim that the land the cattle are grazing on belongs to them, and they try to drive us away or cause harm to our cattle which then results in altercations with the local people. Sometimes, when the matter gets serious, we are driven off the land, and we have to leave with our cattle. (Field interview, 2021)

Another cattle owner lamented:

Some of us acquired our lands through proper means for our cattle to graze on. However, whenever a member of the Fulani community misbehaves, we are all treated the same without differentiating the innocent from the bad ones, and in the end, we are all driven away from the lands we occupy. It is sad to acquire land today and lose it at any time without any guarantee.All we can do is to pray that nothing happens that will bring conflict. (Field interview, 2021)

From the data two main entities were responsible for the security of land holding, namely, the landowners and traditional authorities. In addition, the study established that the Paramount Chief (Omanhene), his Council of Elders, the *Odikros*, family usufruct holders using customary land and the Customary Land Secretariat (CLS) are the primary actors in land administration in the district.

According to one traditional leader:

Whenever litigations arise, they are settled by the landowners and if they are unable to reach a settlement, the matter is brought before we the traditional leaders. Landowners are made to pay for the drink to the chiefs to serve as evidence of ownership. Once the drinks are accepted, it signifies that the traditional leaders acknowledge the individual's ownership and use of the land (Field interview, 2021).

The results further revealed that land allocation to aliens is done without the participation of the indigenous members of the community. Such allocations are usually characterised by agreements between the land owners or chiefs and the herders. Owing to this, most of the farmers alluded to the fact that they are unaware of arrangements between the herders and traditional authorities. The study also indicated that the indigenes were unhappy with the fact that lands had been leased particularly to the Fulani herders without their knowledge to the extent that, they as the locals had to hire land from other people for their farming activities.

According to one farmer:

Lands for building houses are normally allocated based on an arrangement between the chiefs and the prospective land owner where as farmlands are allocated based on agreements between the landowner and the farmer (Field interview, 2021).

An assembly member also indicated, “I don’t think the chiefs inform any one before leasing out lands.” According to one traditional leader, “When lands are allocated by the Paramount Chief, especially to aliens, he doesn’t tell us, and some herders take advantage that to claim they have been allocated lands while that may not be the case.”

A herder had this to say:

We secure permission from the chiefs to graze our cattle in some of the areas. This is, normally an arrangement between us and the traditional leaders; however, we can’t tell if members of the community are aware of these arrangements. (Field interview, 2021).

Another participant also said this:

This land does not belong to us, and we cannot do anything on the land without the permission of the traditional authorities. Therefore, we deal with the traditional authorities not the community members in securing permits to graze our animals. The arrangements we have are between us and the traditional authorities, so the community people are not involved (Field interview, 2021).

The above results, therefore, reveal a failure in the land tenure system that tends to concentrate the rights of land administration in the hands of traditional authorities, public institutions and family heads that appropriate and lease out land, according to their own discretion without the informed participation of the community. Runge points out that the lease of lands in the manner that neglects community interest and informed participation amounts to an abuse of resources by traditional common property institutions[56]. Runge’s view is supported by Peluso and Lund, who note that, property regime conflict is not determined by who has rights over property, but it is increasingly characterised by, and emanates from arbitrary transfer of communally-held land, and property to third parties or aliens where only chiefs benefit from and appropriate the resultant rents[57]. These outcomes strongly throw more lights on the findings from this research.

4.3. Access to Land

Information provided by the traditional authorities identified the process of land acquisition and the major actors involved in this process. It was indicated that, per custom, three stages are involved in land acquisition. At the first stage, persons or groups seeking to gain access to land engage the chiefs, family heads or the traditional custodian, and make a formal request for land. At the second stage, the leasee is then taken to inspect the parcel of land requested for. This process is followed by the negotiation of the price (drink money). Upon conclusion of the negotiation stage, payments are made and the leasee is provided with an allocation note or evidence of allocation in the presence of witnesses to conclude the deal.

4.3.1. Land Acquisition Arrangements

The study revealed that, land ownership within the study communities could be categorised into two main groups, namely autochthonous or indigenous access to land and migrant herder access to land. Results show the autochthonous access to land was mainly through three primary mediums, namely, inheritance, hiring and lease, and they are explained below:

- (i) **Inheritance:** Inheritance involves lands that have been passed on to the land owner by relatives who held usufruct title over the land. These are usually based on the system of inheritance practised in the study communities.

(ii) **Hiring:** Hiring involves acquiring land for a stipulated period of not less than six months, depending on the type of crops to be cultivated or the intended use to which the land is to be put. The land, following the expiry of the terms of the contract, reverts to the owner in which case the terms of re-hiring can be renegotiated. For instance, the duration for hiring land for maize is six months whereas that for plantain may be on an annual basis.

(iii) **Lease:** Lease is a common practice in the study area, especially for the herders. This involves allocating land for a period not exceeding 25 years. This type of arrangement characterised the release of land to five Fulani cattle owners who entered into a tenancy contract with the former Paramount Chief, DasabereAkuamoah Boateng as indicated in the 2015 report of KEDA. This contract between the Paramount Chief and the Fulani helped to legitimise their stay in the Kwahu East District.

The study showed that out of three land acquisition arrangements stated above, inheritance constituted the commonest means of land ownership by the indigenous participants. Contrary to this, lease and rent agreement constituted the only means by which migrant herder groups could access land, either through the traditional authorities where larger land sizes may be involved, or family heads in the case of small land size. Discussions from focus group meetings with the herders revealed that, access to land through purchase for migrant herders was impossible even if they had money to buy it. They also maintained that access to land through purchase has been worsened by recent clashes and as a result, landowners do not want anything to do with herders. One herder narrated:

When I first brought my cattle to this community, I tried to buy a parcel of land. However, the landowner refused to sell it to me. Yet, a portion of that same parcel of land was sold to a local farmer. We are refused when we want to buy land because we are not from here and because of the recent clashes between farmers and herders, land owners became even more skeptical towards us to the time we were evicted from these places (FGD, 2021).

Another participant, a cattle owner, noted:

Access to buy land is very difficult for us herders. Because of that, we had to settle for short-term leases of between five to seven years. It is only here that foreigners cannot own lands. In other places, this is not the case. I know the Fulani in other places who have bought their own lands (FGD, 2021).

Another participant, a traditional authority and landowner added:

For the Fulani herders, we only give lands to them on lease. The portions normally allocated to them are the unused parcels on the outskirts of the town for a period of time, usually between five and seven years. When clashes between the farmers and herders started, we decided not to encourage their activities any longer so we limited the lands leased to them and the community members do not want them here (Field interview, 2021).

Results from the study further indicated that lands are allocated to farmers and herders based on oral contracts. The study found that, cost of renting a plot of land for farming ranged between 80 cedis to 100 cedis. The cost of the land is determined by the size and how much it costs to clear it. The lease is also renewable, depending on the type of crops to be planted. Again, the study indicated that, all the participants were smallholder farmers who cultivated between 1 to 5 acres of land, with others having less than an acre. According to one farmer:

Lands are allocated on lease based on the quantity demanded, but the price is determined by how much is charged for clearing every 100 meters. Hence, if it costs 200 cedis to clear then the cost

of renting is also pegged at 200 cedis. In other words, as clearing cost increases, rent price also increases. Currently, one plot of land is cleared for 100 cedis and, therefore, the rent is also 100 cedis per one (Field interview, 2021).

However, the cost of land for cattle herding is different. This is because herders have to pay more for the lands. This is because of the vastness of land required for grazing. Thus, herders interviewed revealed that most of them had been leased between 10 to 20 acres of land for grazing, depending on the number of animals each cattle owner possesses. The herders, however, indicated that as farmlands expand, there were frequent confrontations with the locals who claim ownership of these lands. A herder indicated that, they sometimes paid up to 800 cedis per acre, and the terms of lease are renewable.

5. CONCLUSIONS AND RECOMMENDATIONS

The chiefs and family heads serve as trustees of land on behalf of the community. Land ownership rights in KED are based on the allodia and usufruct systems that vest the lands in the Kwahu East District in the hands of the traditional authorities and usufruct families and individuals. Herders have limited access to land compared with farmers. The nature of land ownership arrangements for herders are mostly temporary based on lease and rent arrangements with no possibility for outright purchase. However, for indigeneous farmers, rent and lease, purchase as well as inheritance constitute various means through which they can acquire land. Herders have a higher risk of losing their lands, especially through evictions, which have become a regular feature of farmer-herder conflicts. Land acquisition agreements are based on verbal contracts which further jeopardise land tenure security, especially for herders.

It is recommended that early warning indicators of the conflicts must be promptly identified and reported by the community taskforce before full-blown conflict occurs. In this regard, community task forces must be well resourced to complement the efforts of the security services. Also, the District Assembly must concentrate more effort in establishing adequate fodder banks. Again, the practice of ranching must be encouraged among cattle owners and herders to prevent the unwanted competition over land in order to minimise or eliminate the conflicts between farmers and herders to promote peace, and to pave the way for the socio-economic development of the area.

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