The land tenure system in Ghana: customary land, chiefs and climate adaptation

RFI Editorial · 4 November 2026 · https://relationalfuturesinstitute.org/insights/land-tenure-system-ghana

Not peer-reviewed. RFI working papers share research in progress for discussion and comment. They have not been through external peer review.

Abstract

This working paper explains the land tenure system in Ghana and examines its consequences for climate adaptation. Ghana's law is plural: the 1992 Constitution and the Land Act, 2020 (Act 1036) recognise both statutory and customary tenure, and roughly 80 per cent of land is held under customary authority by stools, skins, clans and families. The Act recognises six interests in land, from allodial title to customary tenancies, which often overlap on the same plot. Chiefs and family heads hold land as fiduciaries, and the Constitution sets out how stool land revenue is shared. Yet only a small minority of landholders have formal documents, women own land far less often than men, and power within customary systems affects whose rights are secure. Evidence from Ghana shows that tenure security shapes long-term investment in land, including fallowing, tree planting and adaptation practices, while state ownership of naturally occurring trees discourages farmers from keeping them. The paper argues that adaptation policy must start from how land is actually held, strengthening accountable customary administration and the rights of women, tenants and migrants rather than assuming that titles alone will deliver security.

Keywords: land tenure, Ghana, customary land, stool land, chiefs, Land Act 2020, tenure security, climate adaptation

The land tenure system in Ghana is unusual. Most of the country's land is not owned by the State or by individuals with registered titles, but held under customary authority by stools, skins, clans and families, and managed by chiefs and family heads on behalf of their members. The Constitution and the Land Act, 2020 recognise this system and set rules around it, but much of how land is actually held, used and passed on is governed by

custom, negotiation and local power. This working paper explains how the system works, who holds which rights, and why it matters for one of Ghana's most pressing questions: how farmers and communities adapt to a changing climate.

The paper draws only on published sources: the Constitution, the Land Act, official surveys, and peer-reviewed and policy research. It is not legal advice. Where the evidence is limited, the paper says so.

What is a land tenure system?

A land tenure system is the set of rules that decide who may use land, on what terms and for how long. Researchers describe the rights involved as a bundle: the rights to access, own, use, control, transfer, exclude others from, inherit and otherwise make decisions about land and its resources (as summarised in Akugre et al., 2021). Different people can hold different parts of the bundle over the same piece of land at the same time. A family may hold ultimate title, a member may farm it, a tenant may grow crops on it in return for a share of the harvest, and the State may own the minerals beneath it.

In Ghana, these rules come from more than one source. The country's law is plural: under article 11 of the 1992 Constitution, the laws of Ghana include the Constitution, Acts of Parliament, subsidiary legislation, the existing law and the common law, which the Constitution defines to include the rules of customary law. Land is therefore governed both by statute, administered by public agencies, and by customary law, administered by traditional authorities (TLI, 2023).

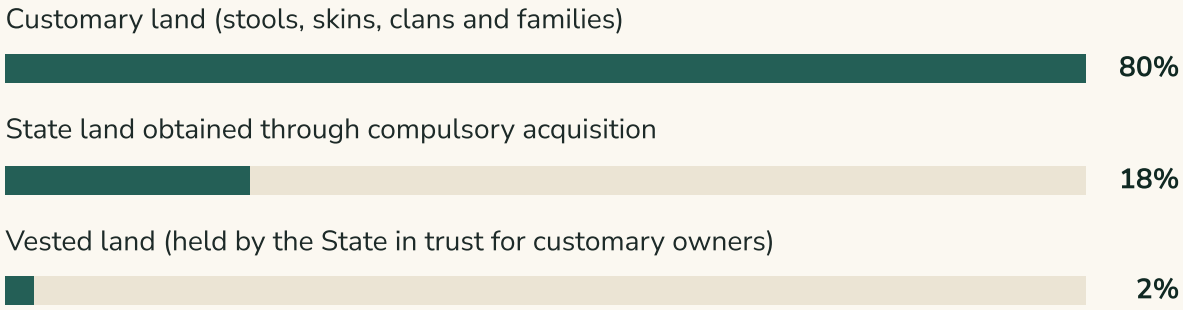
Customary law is not written down in one place. Under the Chieftaincy Act, 1971, the National House of Chiefs or a Regional House of Chiefs may draft declarations of customary law for approval and publication as legislative instruments, and since 2006 the National House of Chiefs and the Law Reform Commission have been working on a project to ascertain and codify customary law, especially on land ownership and family life. The TLI appraisal reports that the project is still in progress.

Who owns land in Ghana?

The short answer is that most land belongs to communities rather than to the State or to individuals. Estimates consistently put customary land at around 80 per cent of the total. An appraisal prepared for the Transformative Land Investment initiative reports that more than 80 per cent of Ghana's land remains under customary control, with the rest managed by the State: about 18 per cent obtained through compulsory acquisition for public purposes and about 2 per cent vested in the State as trustee for the customary owners (TLI, 2023). Writing about the World Bank- and DFID-supported Land Administration Project in 2006, Antwi gave the same order of magnitude: "something in

the order of 80%" of land held by customary authorities (Antwi, 2006). These are approximate figures; no complete national inventory of land holdings has been published (Figure 1).

FIGURE 1. Who holds Ghana's land: approximate shares under customary and state control



Approximate figures. Customary land is usually described as "more than" or "in the order of" 80 per cent. No complete national land inventory has been published.

Source: TLI, Enabling Environment Appraisal: Ghana (2023, draft), reporting more than 80 per cent customary, 18 per cent compulsorily acquired and 2 per cent vested; Antwi (2006), FIG Regional Conference, "in the order of 80%".

The Constitution sets out the main categories. All public lands are vested in the President on behalf of, and in trust for, the people of Ghana (article 257(1)). All stool lands vest in the appropriate stool on behalf of, and in trust for, the subjects of the stool, in accordance with customary law and usage (article 267(1)). The Constitution also makes a specific declaration about the north: lands in the Northern, Upper East and Upper West Regions that had been vested in the Government before 1992 are not public lands (article 257(3)), so they are not held by the State on behalf of the public.

Two further rules shape who can hold what. First, minerals in their natural state, rivers, streams and water courses are the property of the Republic, vested in the President in trust for the people (article 257(6)), whoever holds the land above or beside them. This is why a farming family can hold land under customary title while the gold beneath it, and the river beside it, belong to the State, a separation at the heart of the conflicts over illegal mining discussed in RFI Working Paper No. 1. Second, non-citizens cannot hold a freehold interest in any land in Ghana, and no leasehold may be granted to a non-citizen for more than 50 years at a time (article 266). Where a non-citizen held a freehold on 22 August 1969, the Constitution converts it into a 50-year lease at a peppercorn rent from that date, with the freehold reverting to the President in trust for the people.

The State's own land is managed by the Lands Commission, which the Constitution charges with managing public lands and lands vested in the President, and with advising the Government, local authorities and traditional authorities on the policy framework for developing particular areas (article 258).

What are the types of land tenure in Ghana?

The Land Act, 2020 (Act 1036) was passed "to revise, harmonise and consolidate the laws on land". Its first section lists six interests in land: allodial title, common law freehold, customary law freehold, usufructuary interest, leasehold interest and customary tenancy. Figure 2 sets them out in order, from the highest title to the most limited.

FIGURE 2. The six interests in land recognised by the Land Act, 2020, from the highest title to the most limited

1 **Allodial title**
The highest or ultimate interest in land. Held by the State, a stool or skin, a clan or family, or an individual.

↓

2 **Customary law freehold**
An interest that arises from a transaction under customary law, such as a customary sale, gift or will.

↓

3 **Common law freehold**
A freehold under English-derived common law. Cannot be created on stool or skin land, and never for non-citizens.

↓

4 **Usufructuary interest**
The right of members of a landholding stool, skin, clan or family to use and occupy land, for example by habitual cultivation.

↓

5 **Leasehold interest**
A right for a fixed period. Non-citizens may hold no more than 50 years at a time.

↓

6 **Customary tenancy**
Tenancies under customary law, including sharecropping arrangements such as abunu and abusa.

Most land is held under a combination of these interests at once: an allodial title holder above, and families, farmers and tenants holding lesser interests below.

Source: RFI, drawing on the Land Act, 2020 (Act 1036), sections 1 and 2; the 1992 Constitution, articles 266 and 267; and the TLI Enabling Environment Appraisal for Ghana (2023, draft).

Allodial title is defined by the Act as "the highest or ultimate interest in land", held by the State, a stool or skin, a clan or family, or an individual, and acquired through compulsory acquisition, conquest, pioneer discovery and settlement, gift, purchase or agreement

(section 2). In most of Ghana it is held by a stool, skin, clan or family on behalf of its members. The TLI appraisal notes that allodial rights are not themselves transferred: transactions on allodial land create lesser interests below it.

Customary law freehold arises from transactions conducted under customary law, such as a customary sale, gift or will, and is not limited to members of the landholding group. The TLI appraisal describes it as giving exclusive access and control, so that customary freeholders cannot in principle be dispossessed without their informed consent, though the interest remains subject to the customs and cultural rights of the stool, skin, clan or family.

Common law freehold derives from English law. It cannot be created over stool land: the Constitution provides that no freehold interest "howsoever described" may be created in stool land (article 267(5)), and the TLI appraisal notes that the acquisition of common law freehold over stool and skin lands has been prohibited since 22 August 1969.

Usufructuary interests are the rights of members of a landholding community to use and occupy land, acquired, for example, through habitual cultivation or settlement. According to the TLI appraisal's reading of the Act, non-members may in some circumstances acquire usufructuary rights after settling for at least 50 years, with written permission and the performance of customary obligations. The appraisal also observes that usufructuary rights, though legitimised by the Act, are inherently less secure than customary law freehold.

Leasehold gives rights for a fixed period. On stool and skin land, the TLI appraisal reports leases of up to 50 years for non-citizens and up to 99 years for citizens, both renewable.

Customary tenancies are arrangements in which a landholder lets land to a tenant, typically for a share of the crop or for rent. The most common sharecropping arrangements divide the harvest into halves (abunu) or thirds (abusa). The TLI appraisal notes that customary tenants are not protected under statutory land law, though they may be protected in some circumstances under contract law.

These interests are rarely found alone. On a single plot, a stool may hold the allodial title, a lineage may hold the usufruct, an individual may farm it, and a migrant may be working part of it as an abusa tenant. The TLI appraisal describes tenure arrangements as "nested or overlapping on the same parcels of land" and varying from one traditional area to another.

What is stool land, and what do chiefs do?

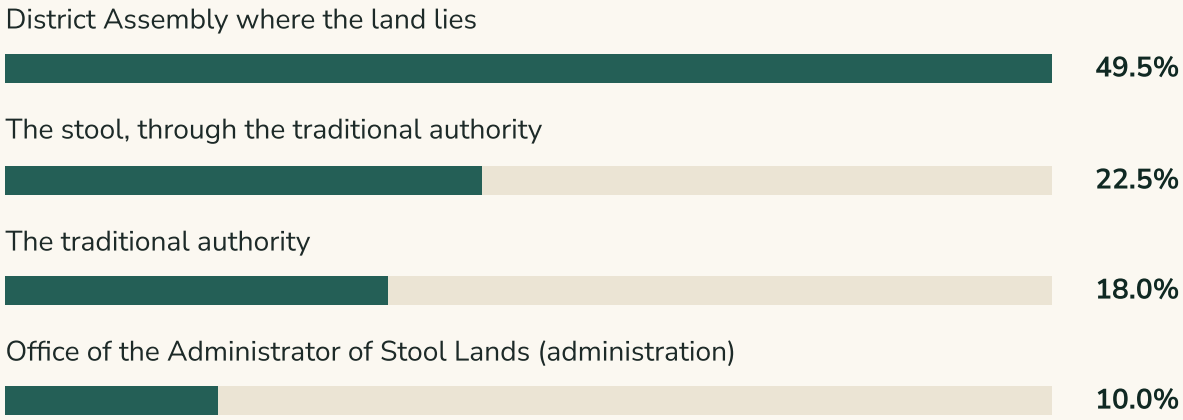
In southern Ghana, the stool is the symbol of a chieftaincy; in the north, the equivalent is the skin. Stool land and skin land are lands held by these chieftaincies on behalf of their

people. In most parts of northern Ghana, customary land rights are vested in skins and in *tendanas*, or earth priests (Akugre et al., 2021, citing Yaro, 2010).

The Constitution treats those who manage land as trustees with duties. Article 36(8) requires the State to recognise that "ownership and possession of land carry a social obligation to serve the larger community", and that the managers of public, stool, skin and family lands "are fiduciaries charged with the obligation to discharge their functions for the benefit respectively of the people of Ghana, of the stool, skin, or family concerned and are accountable as fiduciaries in this regard".

The Constitution also creates a system for stool land revenue. The Office of the Administrator of Stool Lands is responsible for a stool land account for each stool and for collecting all rents, dues, royalties and other payments from stool lands (article 267(2)). Ten per cent of the revenue goes to the Office to cover administrative costs. The remainder is divided as follows: 25 per cent to the stool, through the traditional authority, for the maintenance of the stool; 20 per cent to the traditional authority; and 55 per cent to the District Assembly in whose area the land lies (article 267(6)). Figure 3 shows these shares as proportions of the total.

FIGURE 3. How the Constitution divides revenue from stool lands



The Constitution gives 10 per cent to the Office of the Administrator of Stool Lands, then divides the remaining revenue 55 per cent to the District Assembly, 25 per cent to the stool and 20 per cent to the traditional authority. Shown here as shares of the total.

Source: Constitution of the Republic of Ghana, 1992, article 267(6); shares of total calculated by RFI.

The Constitution adds a planning safeguard: no stool land may be disposed of or developed unless the Regional Lands Commission has certified that the disposition or development is consistent with the development plan for the area (article 267(3)). The Administrator of Stool Lands and the Regional Lands Commission must also consult

stools and other traditional authorities on all matters relating to the administration and development of stool land, and make all relevant information and data available to them (article 267(7)). The Constitution thus places chiefs inside a shared system of oversight rather than leaving them to manage land alone.

How secure are land rights in practice?

The legal framework is detailed; practice is uneven. The TLI appraisal concludes that "the majority of land users in Ghana remain tenure insecure", and reports, citing the World Bank's appraisal of the Land Administration Project, that only 10 to 15 per cent of landholders have formal documentation to support their claims. It notes that the boundaries of customary lands are often indeterminate, so that land disputes are common both within and between landholding groups. It also points to corruption and a lack of transparency in land administration, which can lead to arbitrary allocation and multiple claims on the same parcel, and to the absence of a lead institution to monitor whether stool, skin, clan and family land managers are meeting their fiduciary duties.

One response has been to build record-keeping into customary institutions themselves. Since the Land Administration Project, Customary Land Secretariats have been set up within traditional authorities to register customary land transactions, resolve disputes and advise on land matters. The Land Act, 2020 gives them a statutory basis, and the TLI appraisal reports that 37 were active as of 2021. Writing at the start of the programme, Antwi warned that such secretariats could serve either as a market opportunity for smallholders or as a tool for exploitation: because occupiers of stools and skins and their elders may face incentives to interpret customary law in ways that transfer subjects' rights to themselves, better records could strengthen the powerful as easily as the weak (Antwi, 2006). He also described the starting point: no single source held useful data on customary land rights, and pieces of it were scattered across government agencies. In the Wassa Amenfi pilot, the project began collating records on 5,205 farmers into a secretariat database. The cost and complexity of formal title documentation, he noted, acted as a barrier that kept many customary rights holders from obtaining documented rights.

That warning is supported by one of the most cited studies of land rights in Africa. Goldstein and Udry studied farmers in four village clusters in Akwapim, in the Eastern Region, where soil fertility in the maize and cassava system is maintained by leaving land fallow. Soil scientists suggest a fallow of six to eight years; the median fallow in the sample was four years. The authors found that individuals who held positions of power in the local political hierarchy had more secure rights, left their plots fallow for longer, and achieved substantially higher output. Because a plot could be lost while it lay fallow, those with less secure claims fallowed for shorter periods (Goldstein and Udry, 2008). In other words, insecure tenure did not show up as eviction from a house or farm, but as a quiet loss of investment in the soil.

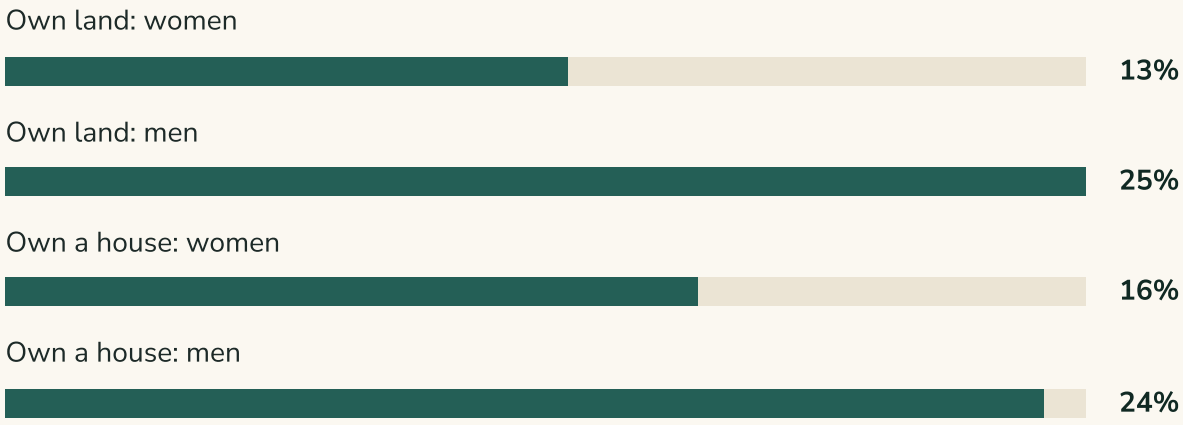
The way a plot was obtained mattered too. Most land in the study area was allocated through the matrilineage, the *abusua*, while somewhat more than a quarter of plots were obtained commercially, through fixed rent or sharecropping. The link between political office and longer fallows was stronger on land allocated through the matrilineage than on land obtained commercially (Goldstein and Udry, 2008). Under customary allocation, a person's standing in the lineage and in local politics was part of what secured the land.

How do women's land rights compare?

The Constitution guarantees spouses equal access to property jointly acquired during marriage and an equitable distribution on divorce, and provides that a spouse shall not be deprived of a reasonable provision from the estate of a spouse who dies (article 22). Practice falls well short of this. The TLI appraisal notes that patriarchal systems are most prevalent in Ghana and that women often derive their land use rights from male members of their households or lineages, through marriage or gift.

National survey data show the gap. In the 2022 Ghana Demographic and Health Survey, 13 per cent of women aged 15 to 49 owned land, alone or jointly, compared with 25 per cent of men; 16 per cent of women and 24 per cent of men owned a house (Figure 4).

FIGURE 4. Women and men aged 15–49 who own land or a house, alone or jointly, 2022



Source: Ghana Statistical Service and ICF, Ghana Demographic and Health Survey 2022: Summary Report.

The gap affects farming as well as wealth. In the Akwapim study, women achieved much lower profits per hectare than their husbands on similar plots, a difference that measured soil quality did not explain and that the authors' analysis attributes to differences in tenure security across plots within the same household (Goldstein and Udry, 2008).

Why does land tenure matter for climate adaptation?

Adapting farming to a changing climate usually means investing now for benefits later: leaving land fallow, planting and protecting trees, building soil, digging water-harvesting pits, or changing crops. Those investments only make sense to a farmer who expects to keep the land long enough to benefit.

Evidence from the semi-arid north supports this. Akugre and colleagues surveyed 248 crop-farming households in the Lawra District of the Upper West Region. About 80.6 per cent had adopted crop rotation, 64.5 per cent had adjusted planting dates, 55.2 per cent used early-maturing varieties, 45.6 per cent used *zai* planting pits and 44.4 per cent practised agroforestry. Their statistical analysis found that the size of farmland, the number of years a farmer had occupied or used it, the way it had been acquired and the farmer's perceived tenure security all significantly influenced which of these practices farmers adopted. The study reviews earlier research pointing the same way: farmers on rented land in Ghana's northern savanna and forest belt who saw their tenure as insecure tended to use adaptation strategies that were inefficient and unsustainable, while farmers who saw their rights as secure invested in irrigation canals to protect crops during droughts, and land acquired through inheritance was generally perceived as more secure than land received as a grant or gift. The authors recommend that adaptation policies and programmes take account of how farmers access their land, how much they have and how secure they believe it to be (Akugre et al., 2021).

Trees are a particular case. A key obstacle to planting shade trees in cocoa farms in Ghana is that the government owns the commercial rights to all naturally occurring timber trees, even on privately held land (Kleinman Center, 2025, citing the Climate Investment Funds). A farmer who cannot benefit from a valuable tree may have little reason to protect it. A recent evaluation of a programme that combined farm and tree tenure documentation with payments for planting shade trees found strong effects on documentation and shade tree planting, and significant effects on tree survival, some investment, productivity and food security. But it also found that tenure security efforts had mixed results, partly because the reduced uncertainty that came with mapping and documentation led some people to cut down shade trees for income (Kleinman Center, 2025). Security of tenure changes incentives; it does not guarantee any particular use of land.

The stakes are high because cocoa is so closely tied to forest loss. The same digest cites research attributing roughly a quarter of the deforestation in Ghana and Côte d'Ivoire between 2002 and 2014 to the cocoa and chocolate industries, and notes that, with few other sources of income, farmers have compensated for declining yields by producing more cocoa on more land. It also cites estimates that women own between a fifth and a quarter of cocoa farms in the two countries, and that women cocoa farmers in Ghana earn

25 to 30 per cent less than men. Who holds rights over land and trees therefore shapes both the climate and the distribution of income.

The Akwapim study points in the same direction from a different angle. Fallowing is itself a form of adaptation, restoring fertility without purchased inputs. If people without political standing cannot safely leave land fallow, the farming system as a whole loses some of its capacity to recover, and those with least power lose most (Goldstein and Udry, 2008).

What would make the tenure system work better for adaptation?

The evidence suggests several directions. They are implications of the published research, not tested solutions.

Start from how land is actually held. Adaptation programmes, from tree planting to small dams, succeed or fail on land. The Lawra study's recommendation applies widely: understand whether participants are owners, members, tenants or migrants, and how secure they feel, before designing the intervention.

Make customary administration accountable as well as recorded. Customary Land Secretariats can make transactions visible and reduce disputes, but records alone do not ensure fairness. The fiduciary duty in article 36(8) needs practical tools: published accounts of land revenue, accessible ways to challenge allocations, and monitoring of whether trustees serve the community.

Protect the rights of those with weaker claims. Women, tenants on abunu or abusa arrangements, and migrant farmers hold the least secure rights and have the least reason to invest. Written agreements for tenancies, recognition of women's use rights, and joint documentation for spouses would extend security to the people who do much of the farming.

Align tree rights with tree planting. If farmers are to keep and plant trees for shade, soil and climate, they need a clear right to benefit from them. Tree registration and benefit-sharing reforms are a direct climate policy, not a side issue of forestry law.

Treat documentation as one tool among several. The cocoa evaluation shows that documentation can increase investment but also enable clearing. Pairing tenure security with incentives for the uses that communities and the climate need, such as payments for keeping trees, is likely to work better than titles alone.

What are the limits of this paper?

This paper relies on published sources. The Land Act, 2020 is cited from its public text where available; where the paper describes detailed provisions of the Act beyond sections 1 and 2, it relies on the TLI appraisal's reading, which is itself marked as a draft, and readers should check the Act. The figure of around 80 per cent customary land is an estimate repeated across sources rather than the product of a published inventory. The studies of tenure and investment cover particular places and periods. Practices vary greatly between traditional areas, and no single account captures them all.

Conclusion

The land tenure system in Ghana places most land in the hands of communities and their leaders, under a constitutional duty to hold it in trust. That arrangement keeps land under community authority, but it also leaves most landholders without documents, gives more security to the powerful than to the weak, and gives women far less land than men. As the climate changes, these differences matter more, because adaptation depends on long-term investment, and long-term investment depends on confidence in tomorrow's rights. Making the tenure system fairer and more accountable is therefore part of climate policy, not separate from it.

Frequently asked questions

What is a land tenure system?

A land tenure system is the set of rules, written or customary, that decide who can use land, for how long, under what conditions, and who can transfer, inherit or exclude others from it. The rights involved include access, ownership, use, control, transfer and inheritance.

What are the types of land tenure system in Ghana?

Ghana has both customary and statutory tenure. Customary land is held by stools, skins, clans and families; public land is held by the State; and vested land is customary land managed by the State in trust for its owners. The Land Act, 2020 recognises six interests in land: allodial title, common law freehold, customary law freehold, usufructuary interest, leasehold and customary tenancy.

What is the customary land tenure system in Ghana?

Under customary tenure, the highest title to land, the allodial title, is held by a stool or skin (a chieftaincy), a clan or a family, on behalf of its members. Members have the right

to use and occupy land, others obtain land through customary sales, gifts, leases or sharecropping, and chiefs and family heads must manage the land as fiduciaries for the community.

Who owns land in Ghana?

Roughly 80 per cent of Ghana's land is customary land held by stools, skins, clans and families. Most of the rest is public land vested in the President on behalf of the people, mostly acquired compulsorily, with a small share of vested land. Minerals and rivers belong to the Republic, whoever owns the land. Non-citizens cannot hold freehold land and may lease for no more than 50 years at a time.

What is stool land?

Stool land is land held by a stool, the symbol of a chieftaincy in southern Ghana (in the north the equivalent is the skin). The Constitution vests stool lands in the stool on behalf of, and in trust for, its subjects. Revenue from stool land is collected by the Office of the Administrator of Stool Lands and shared between the Office, the stool, the traditional authority and the District Assembly.

References

1. Akugre, F. A., Owusu, K., Wrigley-Asante, C. and Lawson, E. T. (2021). How do land tenure arrangements influence adaptive responses of farmers? A study of crop farmers from semi-arid Ghana. GeoJournal. https://doi.org/10.1007/s10708-021-10372-y
2. Antwi, Y. A. (2006). Strengthening customary land administration: a DFID/World Bank sponsored project in Ghana. 5th FIG Regional Conference, Accra, 8–11 March 2006. https://www.fig.net/resources/proceedings/fig_proceedings/accra/papers/ts05/ts05_01_antwi.pdf
3. Constitution of the Republic of Ghana, 1992 (with amendments through 1996). Articles 11, 22, 36, 257, 266 and 267. https://www.constituteproject.org/constitution/Ghana_1996
4. Ghana Statistical Service and ICF (2023). Ghana Demographic and Health Survey 2022: Summary Report. https://www.dhsprogram.com/pubs/pdf/SR283/SR283.pdf
5. Goldstein, M. and Udry, C. (2008). The profits of power: land rights and agricultural investment in Ghana. Journal of Political Economy, 116(6), 981–1022. https://doi.org/10.1086/595561
6. Kleinman Center for Energy Policy, University of Pennsylvania (2025). Pathways to sustainable and deforestation-free cocoa in Ghana. Policy digest, 1 August 2025. http

s://kleinmanenergy.upenn.edu/research/publications/pathways-to-sustainable-and-deforestation-free-cocoa-in-ghana/

7. Land Act, 2020 (Act 1036). Republic of Ghana. https://www.judy.legal/legislation/akn/gh/act/2020/1036
8. Transformative Land Investment (TLI), CIFOR-ICRAF (2023, draft). Assessing the enabling environment for transformative land investment in Ghana. Enabling Environment Appraisal Series. https://tli.cifor-icraf.org/wp-content/uploads/2024/11/TLI-EEA-Ghana-Long-241105.pdf

How to cite: RFI Editorial (2026). The land tenure system in Ghana: customary land, chiefs and climate adaptation. RFI Working Paper No. 3. Relational Futures Institute. https://relationalfuturesinstitute.org/insights/land-tenure-system-ghana