

## CHAPTER

## 5

RESEARCH  
REPORT

# Revising traditional laws that prevent women's participation in land management and livelihoods

## Experiences from the Togo-Ghana Highlands

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## About the authors

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With over 10 years of experience in the involvement of women in the development of projects related to ecology, she is active in lobbying and advocating for women and land rights issues, as well as promoting environmental education in schools. Vicentia is actively working on the development of organic farming and helping households in rural areas to be equipped with wood supply areas.

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## Abstract

In Togo, the land tenure system has constituted a major obstacle for the management of natural resources from colonial times to today; the delimitation of protected areas still leaves a lot to be desired. Customary law and local ambitious provisions lead traditional leaders to appropriate the land tenure system, which disadvantages women and prevents them from exploiting lands as they please. Several factors slow down changes to

land tenure and management practices, including the lack of wide-ranging initiatives from civil society organisations, nature conservation actors and organisations that promote women rights; the total silence of local decision-makers; and the lack of commitment by the administrative authorities to support the few lobbying and advocacy activities carried out by civil society organisations. Measures that have negatively

impacted women's development require specific and holistic approaches as well as time for improvement. Les Compagnons Ruraux (LCR), a national organisation in Togo fighting for the fair and sustainable management of natural resources, has decided to tackle the problem for the wellbeing of all.

## Keywords:

land tenure

customary law

obstacles

natural resources

commitment

conservation

## Introduction

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It is time to forge ahead with innovative approaches that support the sustainable and equitable use of natural resources. A significant concern is how to reconfigure gendered relationships implicit within resource use in ways that empower women without compromising the positive roles they already play in their communities. This assertion is based on the acknowledgement that our wellbeing is intrinsically linked, reliant on and embedded within nature (Costanza et al., 2014).

In this chapter we take the reader to the mountains between Togo and Ghana where women's labour and contributions to their communities remain largely unrecognised and unrewarded. Traditional leaders often stand in the way of desired socio-economic and cultural changes.

## Context

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This case study features the work of Les Compagnons Ruraux (LCR), an organisation that advocates for environmental justice for rural people, particularly women whose lack of access to land rights interferes with sustainable land use in the southwest of the country, not far from the border with Ghana.

The Ghanaian region close to Togo has similar customary laws to Togo, and it is only the mountain ranges that separate both peoples. LCR assists women in this region in coping with traditional laws that prevent them from having free access to lands.

The idea for the LCR's initiative came from two sources. Firstly, we noted during various consultations and public awareness sessions on the protection of natural resources that only a few women responded to our calls for participation. We learned that most women are not encouraged by their husbands or male heads of the household to participate in such meetings. Men prefer briefing them later because they assume that women have other useful things to do at home. It is widely believed that these meetings are primarily intended for men. Secondly, most of the men who attended the public meetings clearly stated that only men deserved to inherit lands; women are only to benefit by virtue of their husbands. These widely held beliefs can be traced to concerns regarding the consolidation of land. For example, if a father gives a parcel of land to his daughter, the land will be sooner or later be expropriated by a husband from another clan, or possibly their son. According to local traditions, individuals from one clan cannot benefit

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from the land of another clan. This is not the same throughout Togo, but it does hold true for the localities where this chapter is set.

For these reasons, LCR's programme on sustainable management in the Togo and Ghana Highlands (TGH), which includes the establishment of a transboundary biosphere reserve, decided to solicit input and advice from women in the surrounding communities to find a way forward that will enable women to own and manage land and its resources. The establishment of a reserve can contribute to nature conservation in general, as well as the sustainable development of local communities.

LCR aims to highlight the important role women are playing within their communities, including within environmental protection activities. Their work also strengthens women's knowledge base so that they may become key stakeholders in the establishment of the reserve.

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## Gender and natural resource management

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The Fourth World Conference on Women in Beijing in 1995 identified the environment as one of 12 areas critical for women and asserted that “women have an essential role to play in the development of sustainable and ecologically sound consumption and production patterns and approaches to natural resource management”(United Nations Women, 1995, Section K). With this mandate in mind, the LCR set up strategies to involve women from the communities surrounding the biosphere reserve that it intends to establish. This consultation was needed to address the barriers that prevent women from contributing to nature conservation and the sustainable use of resources. The dedicated Gender and Environmental Justice Programme was set up despite the challenges pertaining to land tenure in Togo.

## Gaps in Togolese land tenure policy

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In Togo, laws related to administration of the territory were established during colonial times and were only recently renewed in 2016. Unfortunately, the application of the new 2016 law has yet to be established. Therefore, in Togo the government does not manage lands and the system of land tenure is based on customary law. Most land tenure issues are discussed and judged in accordance with traditional provisions. For many decades, local clans managed the land using a traditional system that is based on the authority of the village chiefs.

Those traditional structures unfortunately often exclude women; women's role has mostly been to assist men in village management and to honour male chiefs.

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According to LCR, women do not benefit from their work, although they play an important role in maintaining their communities. In traditional Togolese society, women do not inherit land. The only way for women to access land is through their husband or, in rare cases, to buy it (which requires an income). They are not allowed to manage land in order to carry out their environmental and economic activities. Women's role is to stay at home and take care of the household, which makes them responsible for the household's survival.

Women often get blamed for destroying the environment and cutting down trees because it is usually their responsibility to collect firewood. Their direct link to the forest puts them at the centre of criticism and they are not seen as caretakers of the forest, but rather as the main drivers of deforestation. These mountain areas are also prone to frequent bush fires which, along with deforestation, are slowing down the local economy.

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Further, the lack of democratic practices in Togo in many sectors of activity enables male chiefs to subjugate and exploit women and prevent them from receiving their due considerations.

## Efforts to initiate change

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LCR entered into a partnership with the Global Alliance for Green and Gender Action (GAGGA) to address some of these challenges. The common objective of the partnership was to strengthen the capacities of grassroots groups in the domain of women's rights and environmental justice. This is necessary to catalyse the collective power of various women's rights and environmental justice movements for realising a future in which women can exercise their right to water, food security and a clean, healthy and safe environment. Levels of education remain low in the TGH due to a lack of resources, and this is true for both women and men. Denying women education can also be understood as an intentional strategy to maintain the status quo where women can be easily exploited by men. LCR recognised that the lack of knowledge on ideas of self-governance was the main reason behind women's silence, which is why the project stressed developing capacity and raising awareness.

Through the creation of mixed working groups as part of the reserve's establishment, LCR created opportunities for the male chiefs and the Queen Mothers to work together on issues pertaining to conservation. The powerful figure of the Queen Mother, the mighty woman who works with the chiefs to defend the interests of the village and its women, has weakened over the years. The motivation behind these mixed working groups was to show participants that conservation is crucial, and that the creation of a new relationship of care between humans and their environment is an important lever for economic development and ecological sustainability. The working group elaborated on modern and customary law to formalise processes such as access to land and natural resource management that are usually only established orally.

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**Figure 1. Queen Mothers at a workshop**

Photo credit: Jules Adjima

The LCR has also adopted two further approaches:

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## **Community Resource Management Area (CREMA)**

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Community Resource Management Area (CREMA) is the institutional framework for community participation in natural resource management in Ghana<sup>1</sup>. It aims to foster a win-win situation by creating financial incentives for farmers to use and manage natural resources on a sustainable basis by developing management rights and responsibilities. This approach has the potential to improve livelihoods, conservation efforts and democracy and to strengthen local economies. CREMA is a democratic process and mechanism which enables communities to manage and use resources for their own benefit. In Togo, decentralisation processes are not yet well established; CREMA plays a key role in enabling some level of decentralisation.

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## **Analog Forestry (AF)**

Analog Forestry (AF) is an approach to ecological restoration which uses “natural forests as guides to create ecologically stable and socio-economically productive landscapes.”<sup>2</sup> The AF approach educates and raises awareness about the necessity of conservation, as opposed to a mentality of doing conservation only for the sake of conservation. The AF approach helps local decision-makers to understand their roles and responsibilities in implementing adequate policies and enabling the sustainable use of natural resources.

Women must be included in economic development and have the right to create, manage and use natural resources such as those offered by forests. To enable this, LCR educates women on alternatives for income-generating activities in order to reach self-sufficiency. With the help of GAGGA<sup>3</sup>, LCR set up a demonstration centre: a cacao plantation that is sustainably managed by both women and men. This is a way of showing the locals that there are income-generating alternatives to selling land.

Women have rarely been taught to plant trees or to use sustainable methods for collecting wood. LCR rectifies this situation by providing women the tools to engage more fully in sustainable development. This includes empowering women with knowledge on their rights and

<sup>1</sup> See <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/CREMAs-to-strengthen-community-participation-in-natural-resource-management-694390#>

<sup>2</sup> See <https://www.analogforestry.org/about-us/analog-forestry/>

<sup>3</sup> Joint programme of Both ENDS, MAMA Cash and FCAM

other necessary knowledge through trainings and workshops. One example is groups created specifically for Queen Mothers where they reflect on various ways to leverage customary and modern law to assert their rights. The challenge is not only to empower women with ecological techniques but also to offer the courage and resources to stand up to patriarchal norms.

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## The revision of customary laws: bringing stakeholders together

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Various efforts have been made by different stakeholders to urge the Togolese authorities in charge of territorial administration to work together with traditional lawmakers, which can enable women to have free access to land. The intention of these collaborations is not to take away power from traditional leaders and law-makers but to set up uniform principles that can facilitate the equitable and sustainable use of natural resources for all. Progressively, each resource person involved in the process becomes aware that the revision of customary laws is an opportunity to eliminate misunderstandings regarding land tenure issues and other difficulties women in rural areas face.

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Even though the new law from 2016 is yet to be implemented, LCR and other stakeholders dealing with nature conservation have ensured that traditional practices are mapped onto modern laws to enhance the management of natural resources. A dialogue between different stakeholders – lawyers specialising in modern and traditional laws, village chiefs, local decision-makers, Queen Mothers and women members of a diverse range of grassroots organisations – was initiated through workshops and roundtables.

Relevant passages in the new law (that is yet to be implemented) pertaining to the participation of women in land management processes were translated into the local language to enable community leaders to understand and appropriate the new approach. Campaigns were organised in the various communities and the documents were written in more popular language.

Through the principles of lobbying and advocacy, LCR strengthened the knowledge base of women and supported their efforts in negotiating with local decision-makers on land tenure issues.

## Achievements

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These initiatives improved the knowledge base of women, male chiefs and local decision-makers in Togolese laws related to land tenure and natural resource management. Additionally, male chiefs and local decision-makers have shown their commitment by conceding one hectare of community lands to women's groups to establish cocoa farms and over four hectares for natural regeneration-assisted activities and for supplying firewood to households. These activities give due consideration to the equitable sharing of benefits from the use of natural resources. The actors were sensitised to their rights and responsibilities in the short, medium and long term.

Through the training and field activities, coupled with sensitisation, women are becoming increasingly resilient in their ecosystems, where soil, landscape and riverbank trees are being destroyed, leading to desertification. The mobilisation of women and their commitment to learn and change their economic and social conditions impressed the male chiefs, who accepted an invitation to participate in finding the best mechanism to revise and improve land use provisions of customary law. Consequently, a joint committee including women and some experts in traditional law was constituted to elaborate an appropriate methodology that can lead to the modification of the traditional practices that prevent women from free access to land for agriculture and other needs. LCR started this process in 2015 before the elaboration of the new law by the Togolese government in 2016.

## Moving forward and policy recommendations

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We are aware that old provisions will not be modified in one day but require undertaking a step-by-step process which is rooted in local principles including the involvement of priests. While male chiefs are on board with revising various aspects of traditional law, final approval from spiritual priests is yet to be obtained. Most sacred forests in Togo, Ghana and Benin have survived until now due to the contribution of these priests.

Technical and financial resources must now be gathered to direct the advocacy process at spiritual priests. This can include setting up a dedicated task force which seeks dialogue with the priests and shares with them success stories from other countries where women have improved their lives and that of their community by actively participating in natural resource use and management. It is crucial that the outcomes

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of the lobby and advocacy activities such as the agreement obtained from the male chiefs are officialised to actually revise traditional laws. Finally, there is a need to plan measures to popularise the outcomes of the lobby advocacy activities in other communities as well.

We offer the following recommendations:

- **Demonstrate more commitment and flexibility in working with traditional leaders and local decision-makers to avoid past mistakes**
- **Search for approaches that may lead to innovations in traditional laws related to ecosystem management**
- **Simplify the language of traditional laws and encode them in writing so that they can easily be consulted and preserved for future generations, since in Africa most traditional practices are passed orally**
- **Support and leverage grassroots organisations, particularly those that defend women's rights and seek to sensitise communities to the important role women play in local development**
- **Make learnings and resource materials on the Sustainable Development Goals (particularly SDG 15: Life on Land and SDG 5: Gender Equality) available to grassroots organisations.**

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