

# Traditional Authorities and Peri-Urban Land Management in Ghana: Evidence from Wa

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## Abstract

Land is a fundamental livelihood resource and critical to the spiritual well-being of many Ghanaians. It has a sense of politics of belonging that underpins different corporate tenure groups in the country. With rising demographic pressures on land and increasing changes in social, economic, environmental and political stakes; debates, contestations and counter-contestations over land rights have multiplied, especially in peri-urban communities in Ghana. Peri-urban lands are the interface of rural and urban land settings, and in these areas control over land management becomes convoluted with both traditional authorities and state land managers often in conflict. This paper investigated the role of traditional authorities in peri-urban land management in Wa, a new but fast urbanizing capital of the Upper West Region of Ghana. The research is critical to informing policy formulation and legislation for sustainable land management and development in peri-urban Ghana. Utilizing the case study approach, data was collected from a total of 260 stakeholders at household, institutional and individual levels from nine (9) peri-urban communities of Wa. The results showed that peri-urban Wa has witnessed increasing involvement of traditional authorities in land management, with practices sometimes in consonance with formal structures of land administration and other times in conflict. The paper concludes, however, that as a developing country neither the formal structures for land administration nor the traditional institutions for land management working alone can provide the required amount of land delivery services to match the pace of demographic change and urbanization trends. In effect, as two key stakeholders in land governance it behooves both to work in consultation, collaboration, cooperation and coordination towards achieving participatory land management. Thus it is recommended that the thrust of current efforts by the Ghana Land Administration Project and the National Lands Commission in achieving sustainable land administration should be anchored on participatory land management practices.

**Keywords:** Traditional Authorities, Land Management, Peri-Urban, Ghana.

## 1. Introduction

There is a rural-urban divide in land management in Ghana and traditional authorities are in control and management of about 80% of the country's land mass, especially in rural Ghana. As Bugri (2013) noted, "(f)or many Ghanaians, particularly in rural areas, the most important and relevant institution in terms of land relations is the traditional authority itself, in the form of the chief, traditional councils, land allocation committees, and the like". Of the remaining approximately 20% of the country's land, and mostly urban land, is where the state's control and land management activity is widely impacted. Peri-urban lands are the interface of rural and urban land settings, and in these areas land management becomes convoluted with both traditional authorities and state land managers often in conflict. This paper investigated the role of traditional authorities in peri-urban land management in Wa, a new but fast urbanizing capital of the Upper West Region of Ghana. The research is critical to informing policy formulation and legislation for sustainable land management and development in peri-urban Ghana.

The Regions of Ghana Amendment Law, 1983 (PNDCL 41) amended the Regions of Ghana Act, 1960 (CA 11) to provide for two regions to replace the then Upper Region; viz the Upper East Region and the Upper West Region. This Law elevated Wa to Regional Capital status in 1983. In 2003, the Wa District Assembly was also elevated to Municipal status. These elevations necessitated a lot of infrastructural development to cater for offices, residential accommodation, commercial, industrial, educational and civic uses. For example, there was expansion in educational institutions, like the campus for the Integrated Development Studies of the University for Development Studies, and the Wa Polytechnic. These activities brought about an influx of people from within and without the region to take up employment in the educational sector, and engagement in private business transactions. Thus, the population of Wa increased from 36,067 in 1984 to 66,644 in 2000. This represents an increase of 84.8% over the 15 year period. The population further increased from 66,644 in 2000 to 107,214 in 2010, representing a 60.9% increase over the 10 year period (Population and Housing Census, 2010). While urbanization is certainly a driver in the level of infrastructural development in Wa, it has to be noted that most of this urban development drive is taking place in peri-urban areas. This is largely the case because agricultural lands in these peri-urban locations offer not just the available space for expansion, but also command low land values that are attractive to prospective developers. The nine (9) peri-urban areas covered for this study were Kpong, Napugbakole, Bamaho, Danko, Gulli, Dokpong, Mango, Sambo and Nakori.

The effective planning, monitoring and implementation of development control measures in urban Ghana is a major challenge (Bugri, 2013). It therefore stands to reason that because peri-urban areas were hitherto rural agricultural lands and without much of state control over land management, the problem is even worse in these areas. Given that urban expansion has made these peri-urban areas prime land for development, requiring of increased state intervention in land management in such areas, the traditional authorities who hitherto managed these lands and now see economic gains do not easily recline in their land management roles. This often results in conflict rather than collaboration and overlapping roles in land management. It is within this context that this study seeks to analyze the roles of traditional authorities in peri-urban areas of Wa, with a view to informing policy for effective and sustainable peri-urban land management.

The rest of the paper is structured as follows. Section 2 provides a conceptual analysis of the key terms traditional authority, peri-urban area and land management. This is intended to provide the needed context for the paper and situate the discussion. In section 3, methodology is discussed highlighting the data gathering sources and instruments of data collection and analysis. The results are then presented and discussed in section 4, while section 5 concludes the paper with recommendations towards policy reform in land management, especially in peri-urban Ghana.

## 2. Conceptual Analysis

In this section of the paper, the interrelated concepts of traditional authority, peri-urban area and land management are examined with a view to providing the context of the study.

### 2.1 The Concept of Traditional Authority in Ghana

In Ghana, traditional authorities wield an enormous amount of influence and control over land management and this is given legal backing by the Constitution of 1992. Broadly speaking, chiefs, *tindamba* (earth priests), clan/family heads are the notable forms of traditional authorities with various responsibilities over land in different corporate tenure groups. Traditional authorities are the leaders of traditional communities. The word “traditional” refers to historic roots of leadership, which legitimize the execution of power. Traditional forms of authority differ from the modern state in that the leadership in modern societies are usually elected or appointed by elected officials, while traditional leadership is usually inherited or appointed. Traditional leaders are not subject to an electoral process, although some are subject to accountability mechanisms (Linder and Lutz 2004). Similarly, traditional authority is defined as a group of people who by virtue of their ancestry, occupy the throne, a stool of an area and are appointed in accordance with the customs and tradition of the area. Such people have traditional authority over the people or tribe of that area (Mthandeni, 2002).

Crook (2005) referred to traditional authorities or institutions in the case of Ghana as all those forms of social and political authority which have their historical origin in the pre-colonial states and societies, and which were incorporated by British colonial rule into what is now Ghana. Although indigenous in origin, they have changed in many ways during the colonial and post-colonial periods. The material progress of a community and the maintenance of its peace and unity are seen as the principal duties of a traditional authority. This is embodied, where a community is united in the traditional authority’s role as symbolic leaders and patrons of development. Weber (1964) cited in Afful (2010) defined traditional authority as an authority based on everyday belief in the sacred traditions and customs of the people. Millar and Bonye (2005) argued that traditional authorities are indispensable in the governance process and it is almost impossible to achieve sustainable development without situating development plans in the culture of the people which is built on the institutions, the rules, the norms and the life pattern of the society. Land is at the centre of development in an agrarian economy such as Ghana, and hence the importance of traditional authorities in land relations of the people in their communities. Thus, Kendie and Guri (2004) have argued in the case of Ghana that traditional authorities are vested in the chieftaincy institution and tasked to exercise spiritual power as well as provide secular leadership. However, the pattern of traditional authority varies from community to community. Chieftaincy can provide the bedrock upon which to construct new mixed governance structures since chiefs serve as custodians of and advocates for the interests of local communities within the broader political structures (Sklar, 2003). Good governance can thus only materialize through the articulation of indigenous political values and practices and their harmonization with modern democratic practices (Ayyittey, 2002). This is particularly relevant to land management practices because it is only by integration of traditional and modern land management practices that sustainable land management can be achieved in Ghana (Bugri, 2007).

### 2.2 Concept of Peri-Urban Area

Peri-urban land management is a system of interrelated actors and activities for the most efficient allocation and utilization of the peri-urban space. The overall objective of peri-urban land management is to provide the guidance and control for the orderly growth and development of peri-urban lands of towns and cities and their efficient functioning.

Peri-urban areas are outside formal urban boundaries and urban jurisdictions which are in a process of urbanization and which therefore progressively assume many of the characteristics of urban areas. Expanding cities affect the areas surrounding the city by altering the natural resource base, converting land to new uses, changing labour patterns, concentrating urban waste pollution and diminishing natural resource based livelihoods (Pam, 2005). To others, the peri-urban concept attempts to move understanding beyond definitions considered solely in terms of geographical location and spatial land use. Rather the peri-urban interface is considered as the meeting of rural and urban activities – in effect a process rather than a place (see Pam 2005). Accordingly, Bryant *et al.* (1982) defined peri-urban fringe as “the area of transition between well recognized urban land uses and the area devoted to agriculture”. Bryant *et al.* (1982), further gave a more comprehensive definition of the peri-urban fringe as “the zone of transition in land use, social and demographic characteristics lying between the continuously built up urban and suburban areas of the central city, and the rural hinterland characterised by the almost complete absence of non-farm dwellings, occupations and land use”. Thus, Pam (2005) argued that there is an inherent dynamism in the peri-urban interface, emphasizing that as cities expand, the surrounding peri-urban areas also grow. The areas that were peri-urban become urban and areas that were rural become peri-urban. This means that the nature of the peri-urban interface is one of constant change leading to a variety of livelihood and natural resource problems specific to the peri-urban interface. Indeed, the peri-urban space is a dynamic one where a high proportion of capital investment and new activity is located. This is where new industries and housing are established and where people affected by city centre development migrate. It is an area of intense rural-urban linkages with flows of labour and natural resources moving into the urban area and flows of people and waste moving outwards from the urban area.

Cotula *et al.* (2004) also claim that increasing urbanization is fostering demand for food products in urban centres, which in turn boosts processes of agricultural intensification and commercialization in peri-urban areas. In these areas, customary land tenure is becoming increasingly individualized, informal land markets are growing and land values keep increasing. This process of change in land relations in peri-urban rural areas is further accelerated by urban elites (public officials, businessmen, politicians, etc.) willing to buy land mainly for speculative purposes. As land values rise, farmers may be forced or tempted to sell their land. Where land is still under customary chiefs, they may be tempted to sell off these lands for housing and other developments, regardless of the views of those actually farming these lands. Peri-urban lands in particular are situated in the blurred zone between customary and statutory law and this confusion creates opportunities for those who are better connected and informed to exploit the situation to the disadvantage of the poor and the least informed. The use of peri-urban land is shifting from agriculture to housing and, with increasing values of land in these areas, speculative activities are common. Cotula (2007) explained that many field studies from peri-urban areas have shown that in these areas, customary land tenure is becoming increasingly individualized, informal land markets are growing, land values soaring and disputes increasing.

The peri-urban interface is where suburban growth is taking place and where urban and rural uses of land are mixed, forming a transition zone between city and countryside. Tacoli (1998) as cited by Adell (1999) observed that the “sharp distinction between urban and rural settlements generally assumes that the livelihoods or the inhabitants can equally be reduced to two main categories: agriculture based in rural areas and manufacture and services based in the urban centers. Yet, recent research suggests that, even where activities can be described as either urban or rural and are spatially separated, there is always a continued and varied exchange of resources between urban and rural areas. The sectoral interaction consists of rural activities taking place in urban areas (e.g. urban agriculture) or traditionally “urban” activities as manufacturing and services taking place in rural areas, or even the peri-urban flows to and from rural industries that are spatially concentrated around urban areas”.

From the above synthesis, it is clear that the lands in the peri-urban areas need to be properly managed to ensure sustainable land management. This brings to the fore the need for new roles for traditional authorities in land management quite distinct from what they are used to in rural lands. It is only through informed policy processes and legislative review through research such as this, that sustainable land management can be attained in peri-urban areas.

### 2.3 Land Management

According to Enemark (2005), land management is the process by which the resources of the earth are put to good effect. Land management encompasses all activities associated with the management of land that are required to achieve sustainable development. The concept of land includes properties and natural resources and thereby encompasses the total natural and built environment. Enemark (2005) argued that “the organizational structures for land management differ widely between countries and regions throughout the world, and reflect local cultural and judicial settings. The institutional arrangements may change over time to better support the implementation of land policies and good governance”. Land management activities rely on some form of land administration infrastructure that permits the complex range of rights, restrictions and responsibilities in land to

be identified, mapped and managed as a basis for policy implementation. Land management needs reliable information about the existing land and its resources and about the legal situation of these items and programmes. Land management covers all activities concerned with the management of land as a resource both from an environmental and from an economic perspective. It can include farming, mineral extraction, property and estate management, and the physical planning of towns and the countryside (Williamson *et al.* (2010). Thus, it is a generic term that includes activities associated with the management of land as an environmental, an economic and a socio-cultural resource, thereby including land tenure, the implementation of land policy, land administration, land use planning and land readjustment.

Land management also involves the implementation of fundamental policy decisions about the nature and extent of investments in the land. It thus involves routine operational decisions made by land administrators such as surveyors, valuers, and land registrars. From an institutional perspective, land management includes the formulation of land policy, the legal framework, resource management, land administration arrangements, and land information management. It entails both government and private initiatives. Land management must be based on knowledge, knowledge depends on information, and information depends on the methods of data collection and the manner in which their results are communicated. Land-related information is an important and expensive resource that must be managed efficiently in order to maximize its potential benefits.

Larsson (1997) defined land management as “a comprehensive expression of activities aiming to fulfil established goals for the use of certain land resources. These activities may have the purpose of promoting efficient land use within an existing pattern i.e. they may be mainly of a monitoring, administrative and controlling nature. Alternatively, they may have the main aim of developing the land, by making substantial investment on the land and/or changing existing land usage”. Land management is more associated with urban lands and there should be the highest and best use of urban land resources. There is therefore the need to manage these lands to ensure sustainable and efficient use of urban land resources. It is however equally important that land management is taken seriously in peri-urban areas given the conceptual analysis of peri-urban area in section 2.2 in order to ensure the sustainable development of these areas.

### 3. Methodology

The case study approach was used to investigate the role of traditional authorities in peri-urban land management in Wa. Both primary and secondary data were collected. Primary data were collected through fieldwork in nine (9) peri-urban communities viz; Kpongu, Napugbakole, Bamaho, Danko, Gulli, Dokpong, Mango, Sambo and Nakori. The peri-urban communities around Wa have similar characteristics, so purposive sampling was used in selecting the nine (9) communities for data collection. Ten (10) members of the public in each of the nine (9) selected communities were covered for data as individuals and these totalled 90. Based on demographic data of the 2010 population and housing census, a sample size of 10% of the total household population in each of the selected communities was considered adequate to cover the sample views in each community. Data from the total of 137 households were collected from the household heads. Three (3) traditional authorities were covered for data in each community, resulting in a total of 27 traditional authorities for the nine (9) peri-urban communities. Also, six (6) institutions of relevance to land management were covered for data. Two instruments were used for primary data collection. These were a structured questionnaire designed and administered face-to-face and an unstructured interview schedule. The data from 137 household heads and 90 individuals of the general public were collected using the questionnaire, while the interviews covered a sample of 33 (consisting of the 27 traditional authorities and six (6) respondents from institutions). Table 1 below shows the sample distribution of the total sample of 260 respondents in the peri-urban communities that were covered. The purposive sampling was also used to select the respondents in institutions involved in urban land management in Wa. These institutions were the Department of Town and Country Planning, and the Survey and Mapping Division and the Public and Vested Land Management Divisions of the Lands Commission. These institutions were purposively sampled because they are the major state institutions in the land sector that could provide information with respect to the research (Twumasi, 2001).

Table 1: Distribution of Total Sample Size

<i>Peri-Urban Community</i>	<i>Total House hold</i>	<i>Household Sample</i>	<i>Traditional Leaders</i>	<i>General Public</i>	<i>Total Sample Per Community/Total Sample for Study</i>
Kpongu	245	25	3	10	38
Napugbakole	28	3	3	10	16
Bamaho	150	15	3	10	28
Danko	126	13	3	10	26
Gulli	65	7	3	10	20
Dokpong	230	23	3	10	36
Mango	256	26	3	10	39
Sambo	116	12	3	10	25
Nakori	125	13	3	10	26
Institutions	-	-	-	-	6
Total	1341	137	27	90	260

One criticism against the use of purposive sampling is its high potential for bias. The study addressed this drawback by applying the systematic sampling to identify houses for the household data. Once a house fell for consideration, the actual respondents for data collection became the household heads. The random sampling was further adopted in the collection of data from the general public comprising indigenes and non-indigenes living in these peri-urban communities. This often served as a measure of triangulation in the data gathering process.

The quantitative data collected from the questionnaires were analyzed using the statistical package known as SPSS. Based on descriptive statistics, frequency tables were used for the quantitative data analysis; while qualitative data collected from the interviews were analyzed descriptively.

#### 4. Results and Discussion

##### 4.1 Land Relations of Respondents

Land in Ghana is as much a physical asset for the provision of livelihoods as it is a spiritual heritage. It thus has religious, cultural and historical underpinnings that give rise to unimaginable emotions in people. Who does what with a given parcel of land is intricately linked to the corporate tenure group's hierarchical order of land relations.

Results in Table 2 show responses from the 27 traditional authorities from the nine (9) peri-urban communities surveyed. All the 27 Traditional Authorities indicated that peri-urban lands in Wa are owned by the tindamba (earth priests). Lentz (2013) noted that earth shrines and their custodians were and still are central to the definition of property rights in the study area and that tindamba (earth priests) were the "first comers" to their communities.

Table 2: Traditional Leaders' Responses to Land Ownership

Who are the landowners in peri-urban Wa?	Total
Tindamba	27
Chiefs	0
Both Chiefs & Tindamba	0
Individuals	0
Total	27

Source: Field Survey, 2010

Given that chiefs are also in the class of traditional authority, it was significant that no traditional authority associated chiefs with land ownership in peri-urban Wa. One traditional leader from Nakori said "*Even if you go to the village chief in search of a piece of land, he will refer you to the tindamba*". Figure 1 below further illustrates the responses from household heads from the nine (9) peri-urban communities in Wa. Out of the 137 households surveyed, 123 (90%) were of the view that peri-urban lands are owned by the tindamba. Only three (3) household heads representing 2% indicated that it is the chiefs who own lands in peri-urban Wa. Also, seven (7) household heads representing 5% favoured the view that both chiefs and the tindamba own land. These results corroborate the conclusion by Abdulai and Ndekugri (2007) that, "Land is vested in families or Tindamba (Tindana for singular; Tindana literally means landowner) in Wa. However, family units or households who have acquired the usufructuary interest from the Tindamba over time mostly allocate land". Clearly then, traditional authorities either in the class of family head or tindamba exercise land allocation functions and adjudicates over land disputes in the study area. Records of these allocations form the basis of further formal land documentation as in registered leases. Signatures of these traditional authorities are necessary for leases to be validated. These corporate tenure groups, referred to as customary landholding institutions, are



thus increasingly becoming active in peri-urban land management hence the need for a policy framework to guide their operations.

Sources of land acquired by the general public in peri-urban Wa was further investigated to corroborate the claims to land ownership made. Table 3 below highlights the sources of land acquired in the sample of 90 respondents of the general public. Of these, 67 respondents representing 74.4% indicated that they had actually bought lands in the peri-urban areas. Of these, only 2 respondents (3%) indicated their source of land to be chiefs. Fifty-one (51) respondents (76%) indicated the source of their lands to be the tindamba. Only 14 (21%) indicated the sources of their lands as individuals who were not holding the office of tindana. One plausible explanation for the role of individuals in land transactions such as sales could be the case of secondary transactions of land sales, i.e. first purchasers of the land from the traditional authorities now re-selling to other parties.

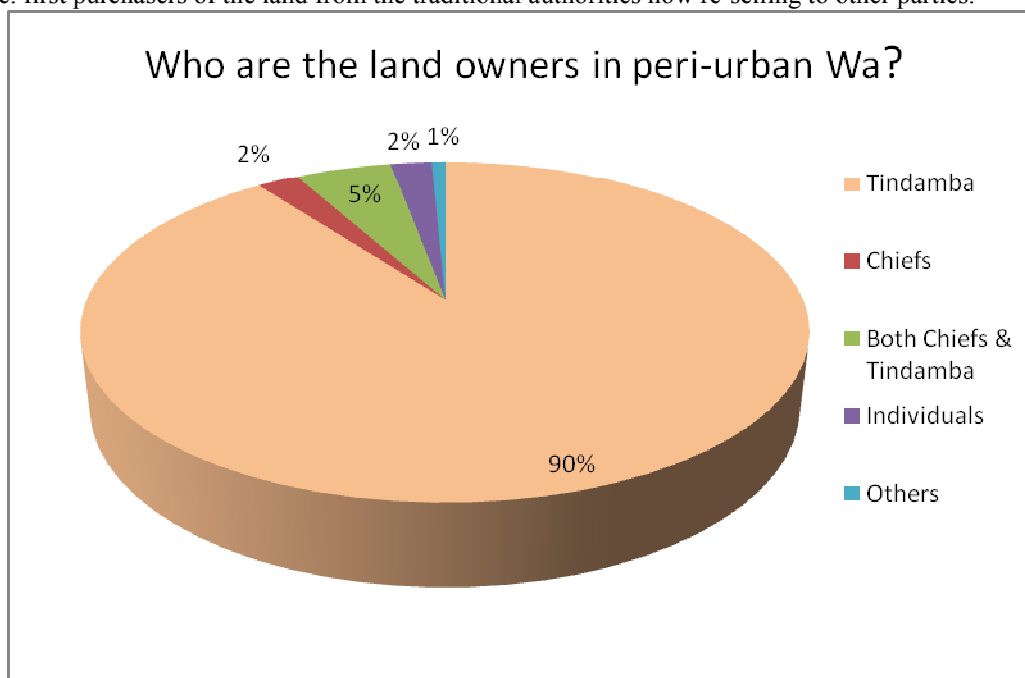


Figure 1: Household Heads Views on Land Ownership

In line with the political school of customary land tenure chiefs have largely been recognized as land owners in most parts of Ghana (Bugri, 2009). Generally, chiefs are in charge of the traditional political governance of their areas of jurisdiction and this is sometimes the source of conflict between the tindamba and chiefs (Bugri, 2007). The low incidence of involvement of chiefs in land transactions as shown in the results above suggests that the tindamba and family heads have become culturally known and generally accepted as rightful traditional authorities to deal with land transactions (Kasanga, 1988). As Lund (2004) argued that the description of the social organisation of communities with tindamba, should rather be that in the past, the tindamba were the only chiefs known; for had colonial political interference not greatly affected the transformation process of such social organisation, tindamba would undoubtedly have evolved into the type of native ruler who was not only an earth or land priest, but also a chief or king on a territorial basis as in the rest of the country. Yet, as traditional political governance takes ground in Ghana's decentralization efforts and chiefs grow in influence, one implication of the process could be increased tension between chiefs and tindamba. This phenomenon is already evident in Bolgatanga, the capital of the Upper East Region (see Lund, 2004) and could spread to Wa in the Upper West Region if no policy action is taken.

Table 3: General Public Responses to Sources of Land Acquired

Source of land	Total
Chiefs	2
Tindamba	51
Individuals	14
Total	67

Source: Field Survey, 2010

The results on modes of land acquisition in Table 3 above show 67 respondents purchased their lands. This suggests an emerging land market in peri-urban Wa. This is particularly important given that sale of land has been frowned upon by custom and traditions in Ghana on the grounds that it is sacrilegious to sell land (Asante, 1975). But as observed by Lentz (2013) "the overly romanticist image of the earth priest as a noble "high priest" or "priestly king" or as a religious "recluse" uninterested in wealth developed among colonial

officers and which persists among some contemporary development experts and land planners is misleading". Resolving these conflicts over land relations however requires broad-based stakeholder engagement. The development of a land market though important in the urbanization process, requires safeguard mechanisms for segments of the rural society who may be priced out of the market and also a well thought out framework within which peri-urban agricultural lands are allocated for urban development with due regard for food security considerations. One major concern in this regard in recent times is the drive by both domestic and foreign investors for large scale land acquisitions in the country for energy crops and real estate development.

#### 4.2 Land Registration and other forms of Documentation

As demand for peri-urban land increases and land acquires scarcity value, the question of tenure security becomes critical. One way to achieve tenure security is registration of the land (leasehold interests) acquired from the traditional authorities under the Land Registration Act, 1962 (Act 122). Table 4 below shows data on registration of lands in the peri-urban communities covered.

A total of 514 leases were recorded by the PVLMD of the Lands Commission in the peri-urban lands of Wa in the period up to 2000. Five years later in 2005, the Lands Commission further registered 779 leases, an increase of 52%. However, between 2006 and 2010 records showed 1,050 registrations which was a 35% increase over the previous period. Notwithstanding the absence of current data on registrations in the table, there is strong evidence in favour of a rising trend in registration of land transactions in the form of leases. Though an alien practice in traditional land management, the need to secure their land rights in the face of ever-increasing land pressures has made people welcome the practice. Thus, as stated earlier the traditional authorities are incorporating this into their land management roles by provision of allocation notes and signing of leases prepared for land purchasers in their areas of jurisdiction.

Table 4: Registration of Leases at the Lands Commission in Wa

LOCATION	Up to 2000	2001-2005	2006-2010
Kpongu	52	80	101
Napugbakole	63	93	121
Bamaho	84	124	231
Danko	30	69	88
Gulli	0	0	0
Dokpong	50	77	79
Mango	93	101	118
Sambo	107	105	152
Nakori	35	130	160
Total	514	779	1,050

Source: Public and Vested Lands Management Division (PVLMD) of the Lands Commission, Wa, 2010

The researcher asked the sample of 90 general public respondents if they had registered their lands. Of the 82 respondents who indicated they owned land in the study area, 50 (61%) of them indicated that their lands were registered whilst 32 (39%) respondents said their lands were not registered as per table 5 below.

Table 5: General Public Registration of Land

Registration of lands at the Public & Vested Lands Division of Lands Commission by the Public.	Total
Yes	50
No	32
Total	82

Source: Field Survey, 2010.

On reasons for non-registration of lands by the general public, of the 32 respondents who did not register their lands, 10 (31%) respondents said they had no knowledge about land registration; 3 (9%) respondents knew of land registration but they did not know who to consult. Also, 8 (25%) respondents said they had no money to register their lands whilst 9 (28%) described land registration as very bureaucratic. Only 2 (6%) respondents were of the view that registration of their lands was not necessary once they had developed the land. Consequently, improving on educational campaigns for awareness creation on the benefits of land registration could lead to increased levels of participation by stakeholders in the process.

Under the Ghana land Administration Project (LAP) Customary Land Secretariats (CLSs) were established in collaboration with land owning groups i.e. traditional authorities of these corporate tenure groups for the improvement of traditional land management practices, especially in documentation of land transactions and sensitization on issues promoting good land management. Wa has two such CLSs, one in Wa Central and the other in Wa Sagmalu. Data on land transactions in both CLSs are shown in Table 6.

Table 6: Recorded Land Transactions at Wa Customary Land Secretariats

LOCATION	Wa Central CLS 2008-2010	Wa Sagmaalu CLS 2009-2010
Kpongu	7	150
Napugbakole	25	0
Bamaho	23	20
Danko	9	0
Gulli	0	0
Dokpong	52	0
Mango	17	50
Sambo	32	100
Nakori	9	100
Total	174	420

Source: Field Survey, 2010.

The Wa Central CLS and the Wa Sagmaalu CLS were established in 2008 and 2009 respectively. From table 6 above, the Wa Central CLS and the Wa Sagmaalu CLS recorded 174 and 420 land transactions respectively. Comparing the rate of registration of land at the Lands Commission to the efforts of land documentation by CLSs in the study area, more capacity building is required by these CLSs to deliver on their functions.

Out of a sample of 137 household head respondents interviewed on the land management practices, 98 (72%) household heads were not satisfied with the land management practices in peri-urban Wa, whilst 39 (28%) household heads were satisfied with land management practices. Land management was understood by these respondents to be the physical presence of the activities of the Survey Department to demarcate their lands into site plans and base maps and the presence of the activities of Town and Country Planning Department to zone the area into the various land uses. But as noted in the conceptual analysis, the generic meaning is quite broader (Williamson et al. 2010, Enemark, 2005 and Larsson, 1997), encompassing land policy implementation, resource management, land legislation, etc. These all form part of the land governance domain.

The reasons for the dissatisfaction of these 98 household respondents were varied. Of the sample of 98, it was revealed that 28 respondents (29%) indicated that they were not satisfied because the state land sector agencies do not consult them in planning the area, 24 respondents (25%) were not satisfied because their farm lands were zoned for different uses. Also, 8 respondents representing 8% indicated that they were not satisfied because of multiple sales of same land to different people resulting in land conflicts, whilst 23 respondents representing 23% indicated that they were not satisfied because the government acquired their lands without payment of compensation. Out of the sample of 27 traditional leaders who were interviewed about whether they were satisfied with the practice of land management in the study area, 14 (52%) of them were not satisfied with the land management practices in the area. These 14 traditional leaders gave different reasons why they were not satisfied as per table 7 below.

Table 7: Traditional Leaders Views on Land Management

Why dissatisfaction of land management in the study area by Traditional Leaders	Total
Land sectors don't consult us in planning	2
Our farmlands are used for different purpose	7
There is multiple sales of land resulting to conflicts	2
Government acquired our lands without compensation	3
Total	14

Source: Field Survey, 2010.

As traditional authorities at the head of corporate tenure groups with responsibility for land management, it is worthy of note that more than half (52%) of the total sample of traditional authorities had reason not to be satisfied with land management in their areas. Besides the multiple sale of land which could be linked to traditional authorities themselves as the cause, all the other reasons for their dissatisfaction pointed at the state as the cause. This underscores the importance of consultation, collaboration, cooperation and coordination of the activities of these two key stakeholders (state and traditional authorities) for improved land management, especially in peri-urban areas. The Local Government Act, 1993 (Act 462) enjoins the state and traditional authorities to work together for the development of their areas, yet the reality is different in most of the country.

#### 4.3 Importance of Traditional Authorities' Roles in Land Management

The role of traditional authorities in land management is crucial to sustainable development in Ghana. Stakeholders' perceptions and aspirations of the role of traditional authorities in land management are captured



as follows:

The Kpongung Tindaana stated that *“If we the traditional leaders play or roles in the land management in our areas we will be protecting ourselves and our descendants from becoming landless or tenants on our own lands”*. This means traditional authorities have it as a duty to protect the land use and ownership rights of both present and future generations. Another important role of traditional authorities in land management is the provision of information and data about the land owning community to the general public and investors. By this it gives investors the confidence to invest in the community. A staff of the Wa Central CLS stated that *“both Local and Foreign Non-governmental Organisations (NGOs) do contact us for information regarding the ownership of lands in particular communities they want to invest in”*.

Another staff of the Wa Central CLS had these aspirations for traditional authorities in land management:

*“Traditional Authorities will be accountable to their communities with regards to the revenue generated through the sale of lands. Irresponsible community members can no longer sell lands and use the revenue for their private interest. We always prepare accounts of all income and financial transactions on community land transactions and by that the traditional authorities become accountable and responsible to their communities”*

A staff at the Wa Sagmaalu CLS argued that *“the implication of the role of traditional authorities in land management lies in land dispute resolution”*. Similarly, the Nakori Assembly man and opinion leader in the community stated: *“if the traditional authorities play their role in the land management in our areas, all these bad land practices like sand winning, bushfires, multiple sales of land will be minimized because we will form local by-laws and task force to eliminate all these bad practices”*.

The above assertions of what ought to be roles of traditional authorities in land management give rise to several implications. First, the functions of CLSs particularly on documentation of land transactions holds promise for reduced land disputes. Security of and rights would be enhanced, transaction costs minimized, and land owners would possess superior information to take right decisions that are expected to improve their lots from trading their lands (Antwi 2006). Improved security of tenure attracts investments in land and with that employment generation and increased incomes. The poverty level in these communities would therefore be reduced.

Secondly, direct involvement of traditional authorities in land management in peri-urban areas could simplify and improve understanding by locals of land documentation procedures, reduce formal bureaucracy leading to cost-effective land rights documentation practices that are locally grown and suitably attuned to the interests held by subjects. This would minimize the excessively high cost and complex systems of title documentation processes and reduce the tendency of multiple sales of land. Once traditional authorities are involved in the management of land in the study area, the complexity and bureaucracy in having access to the right land owners would be minimized.

Thirdly, with the involvement of traditional authorities in land management and in collaboration with the formal land sector agencies in the study area, there would be good governance in local land administration practices. This would provide clear processes of determining, recording and disseminating information about the tenure, value and use of land in the form of a cadastre. The core of land administration system is the cadastre, defined as a parcel based and up-to-date land information system containing a record of interests and attributes of a given land (Williamson, 2001). Traditional authorities would facilitate the implementation of good governance in land administration once they are involved in a truly participatory land management process.

Finally, traditional authorities would be made more responsible and accountable to their subjects when they play their role in the land management in collaboration and in cooperation with government institutions at the local level. The incidence of traditional authorities selling lands and using the proceeds for selfish gains to the neglect of their subjects would be provided with checks and balances when they are formally involved in the land management process. By that, they would be expected to prepare accounts of all income and expenditure on all land transactions to be scrutinized by the people of their communities. The revenue from these land transactions could be used for the development of the local community.

In summary, the involvement of traditional authorities would facilitate the necessary structures at the local level in order to improve land records to ensure local infrastructure and economic development, promote investor confidence and reduce land related disputes. The nerve centre for this transformation to take place is the CLS and more attention needs to be paid to their development trajectory in the country. These have potential if well structured to serve as liaison between the traditional authorities and the various state land management agencies.

## **5. Conclusions and Recommendations**

### *5.1 Conclusions*

Land is a fundamental livelihood resource and critical to the spiritual well-being of many Ghanaians. It has a sense of politics of belonging that underpins different corporate tenure groups in the country. With rising

demographic pressures on land and increasing changes in social, economic, environmental and political stakes; debates, contestations and counter-contestations over land rights have multiplied especially in peri-urban communities in Ghana. The results of this study have shown that peri-urban Wa has witnessed increasing involvement of traditional authorities in land management. This sometimes is in consonance with formal structures of land administration, and other times in conflict. The reality, however, is that as a developing country neither the formal structures for land administration nor the traditional institutions for land management working alone can provide the required amount of land delivery services to match the pace of demographic change and urbanization. In effect, as two key stakeholders in land governance it behooves both to work in consultation, collaboration, cooperation and coordination towards achieving participatory land management. This promises a truly participatory land management process that would have a sense of shared ownership and thereby enhance the smooth implementation of national land policy objectives in local communities. Current efforts of the Ghana Land Administration Project and the National Lands Commission need to be directed at building capacities for participatory land management.

### *5.2 Recommendations*

The following specific recommendations are made in respect of peri-urban land management in the study area.

#### *5.2.1 Role of Traditional Authorities in Peri-Urban Land Management*

The District Assemblies (DAs) as local political governance structures should drive the process of ensuring participatory land management between the traditional authorities and any other opinion group or stakeholders to institute an administrative mechanism to govern land holdings, land allocation, land acquisition, land usage and land disposal by traditional authorities and family land owners in the study area. Given the current pressures of large scale land acquisition for energy crops and urban expansion in rural and peri-urban communities food security considerations must be factored into traditional authorities land dealings with investors.

#### *5.2.2 Local Development Framework*

Land plays a crucial role in socio-economic development. Therefore, and as required by the Local Government Act, 1993 (Act 462); DAs are to engage traditional authorities in negotiation with a variety of different stakeholders so as to achieve consistency and integration of development plans within the local authority's area and across local authority boundaries. This development framework should follow the process and principles of mediation and should ensure that there is engagement with a wide cross section of the public as well as institutional stakeholders. Consequently, there should also be a form of decentralization and strengthening land administration at the local level. The Districts and Municipal Assemblies should be strengthened to deal with land related issues at their level. The Regional Lands Commissions of the National Lands Commission and the Ghana Land Administration Project should facilitate this process

#### *5.2.3 Payment of Compensation for Compulsorily Acquired Lands*

Compulsory acquisition by the state of large tracts of land for the Wa Polytechnic and the University for Development Studies Campus for which payment of compensation has not been made should be given urgent attention. As much as possible, compensation payment should be adequate and prompt as provided under the Constitution of 1992. This will reduce the tension and economic hardship the problems of unpaid compensations occasion. Interest should therefore be paid on delayed compensation payments at current commercial rates and against the current practice of applying Treasury Bill (TB) rates as interest to reflect the effect of inflation and the time value of money. Commercial interest rates are always higher than TB rates.

#### *5.2.4 Sustained Public Education through Regular Forums on Land Management*

The Wa Municipal Assembly in collaboration with the land sector agencies and the CLSs should do sustained public education through regular forums on land management issues. This would facilitate the creation of a platform at the local level for the adoption of a consensus building processes for resolving inter/intra family and individual disputes relating to land acquisition and boundary conflicts. This would also help build the capacity of the trustees or custodians of family or community lands and make them accountable to the beneficiaries through education, training and other initiatives in sustainable land resource management. For this to be achieved, the capacities of both state and formal land sector agencies and the CLSs have to be strengthened for these to deliver on their mandates. Current capacity building efforts of the Ghana Land Administration Project should therefore move beyond provision of material resources to the building of human capital, especially of the traditional authorities and CLSs in the areas of basic surveying and mapping, planning, land valuation, land legislation and environmental management.

#### *5.2.5 Local Database on Land Ownership*

The Wa Municipal Assembly in collaboration with the land sector agencies and the CLSs should establish an effective and workable local peri-urban database on land ownership. There should also be reliable maps and plans identifying customary land boundaries on the ground using the basic surveying instruments with GPS technology. This identification of customary boundaries should be done ahead of land development. The local database on land ownership should be proactive in nature and always ahead of actual land development.

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